

ANCIENT
CRIMINAL TRIALS
IN SCOTLAND.



VOL. I. — PART III.

1584—1596.

ANCIENT

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CRIMINAL TRIALS

FROM THE ORIGINAL RECORDS AND MSS.

IN SCOTLAND.

WITH HISTORICAL ILLUSTRATIONS.

VOL. I. PART III.

ROBERT MCGILL, ESQ.

1854-1855

VOL. I.

PART THIRD

EDINBURGH

PRINTED FOR THE BARNATYNE CLUB

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COMPILED
FROM THE ORIGINAL RECORDS AND MSS.,
WITH HISTORICAL ILLUSTRATIONS, &c.

BY
ROBERT PITCAIRN, ESQ.

**VOL. I.
PART THIRD.**

**EDINBURGH:
PRINTED FOR THE BANNATYNE CLUB.
M.DCCC.XXXIII.**

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VOL. II.—PART I.
ROBERT PITCAIRN, ESQ.
1830-1839.

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PART THIRD.

EDINBURGH:
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proper to preserve it precisely as it has been inserted in the Books of Parliament.

‘ACT ratefeing the DOMES of FOIRFALTOUR led in Jugement aganis vmq^{le} JAMES fumtyme ERLL OF MORTOUN and WILLIAME fumtyme ERLL OF GOWRIE, convict of the crimis of Lese-Majestie, and execute to the deith thairfoir.’¹

May 22.—IN prefence of the Kingis Maiestie and thrie Eftatis convenit in this present Parliament, Maister David Makgill aduocat to our fouerane, prelocutour for his hienes, at his speciall command, schew and declarit, how thair is certane domes of Foirfalture gevin aganis certane personis for crymis of Lese-maiestie; speciallie, aganis vmq^{le} James fumtyme Erll of Mortoun and Williame fumtyme Erll of Gowrie: And becaus the memorie of tratouris fuld remane to the shame and flaunder of thame that ar cum of thame, and to be terroure to vtheris to committ pe like crymis in tyme cumming; and becaus pe buikis of Adiornall may be tint and be oft handeling be worne away² and vperwayis the saidis domes of Foirfalture be destroyit; desiring thairfoir, that it wald pleis his Maiestie and the saidis thrie Eftatis to command the saidis domis of Foirfalture to be drawin out of pe buikis of Adiornall and attentictlie copeit, and the Kingis Maiesties great seall to be hung to the same; and siclike, that pe saidis thrie Eftatis fuld append thair seallis thairto, for the fortificatioun, approbatioun and confirmatioun thairrof. The quhilk desyir the saidis thrie Eftatis thocht verie reasounable, and be sensament of Parliament, thocht the same to be done and grantit, to append thair seallis to pe attentick extract of all Foirfalturis, baith gevin in Parliament and Justice courtis. Then incontenent Sir Leues Ballenden of Ach-noull knyght, Justice-clerk to our fouerane lord, produceit the attentick Extractes of the Domes of Foirfalture gevin aganis pe saidis vmq^{le} James fumtyme Erll of Mortoun and William fumtyme Erll of Gowrie; to pe effect that pe samyn may be put and registrat in the buikis of Parliament to be extractit vnder our fouerane lordis great seall and the seallis of pe thrie Eftatis, as said is. And attour our fouerane lord, with aduise and consent of pe saidis thrie Eftatis, gaif command to Alexander Hay of Eister Kennett, clerk of his hienes Register, to gif out pe attentict copy of the saidis Domis of Foirfalture, to pas as said is vnder his hienes great seall and vnder pe saidis thrie Eftatis. Of the quhilkis Decretis of Foirfalture, gevin in our fouerane lordis Justice courtis, presentit as said is, and subscriuit be pe said Sir Leues Ballenden clerk of Justiciarie, and Williame Stewart 3oungar, clerk be commissioun for pe tyme, respectiue, the tennour followis.

¹ From the Records of Parliament, Acta III., 304. ² The precaution thus judiciously taken, has been the means of preserving legal evidence of the procedure in these highly interesting cases.

CURIA JUSTICIARIE supremi domini nostri Regis tenta et inchoata in pretorio burgi de Edinburgh, primo die mensis Junij Anno Domini millesimo quingentesimo octuagesimo primo, per honorabiles et discretos viros Jacobum Striueling de Keir militem et Magistrum Joannem Grahame, commissarios in hac parte, per Commissionem s. d. n. Regis ac dominorum eius Secreti Consilij specialiter constitut. ad effectum subscriptum: Sectis vocatis et curia legitime affirmata.

Lese-Majesty — Murder of King Henry Daruley.

JAMES EARL OF MORTOUN LORD DALKEITH, &c.

JACOBUS COMES DE MORTOUN Dominus de Dalkeith, &c.

Jun. 1, 1581.—Accufatus, calumniatus, de arte, parte, prescientia, concealatione et non revelatione proditorie murthure quondam nobilissimi et charissimi Henrici Regis Scotorum, patris f. d. n. Regis Jacobi sexti.

NOMINA ASSISE

Electe, jurate et admissæ super prefato Jacobo Comite de Mortoun, viz.

Colinus comes Argadie,	Joannes dominus Maxwell,	Joannes Gordoun de Locchinvar
Joannes comes de Montroise,	Georgius dominus Setoun,	miles,
Andreas comes de Rothies,	Jacobus dominus Ogilvie,	Patricius Hepburne de Wachtoun,
Jacobus comes de Glencarne,	Jacobus dominus Inuermeith,	Patricius Lermonth de Daruesie
Hugo comes de Eglintoun,	Hugo dominus Somervell,	miles,
Alexander de Sutherland comes,	Alex ^r Magister de Levingstoun,	Will ^e Levingstoun de Kilsyth miles.

The quhilk day the said James Erll of Mortoun being indytit and accufit, that in the monethis of Januar and Februar in the 3eir of God I^m.V^c.lxvj 3eiris, he, accompaneit with vmq^{le} James sumtyme Erll Bothuell, James Ormiftoun sumtyme of that Ilk, Robert alias Hop Ormiftoun his fader brother, Johne Hay sumtyme of Tallo 3oungar, Johne Hepburne callit Johne of Bewtoun and diuerse vperis his complices, craftelie and secretlie conspirt amangis thame selffis, tratit, devisit and maliciouſlie concludit the maist schamefull, detestable and vn-naturall murthour and patricide of our fouerane lordis vmq^{le} darrest father, Henrie King of Scottis, lawfull spous for þe tyme to his hienes darrest mother Marie than Quene of Scotland, and that within the burgh of Edinburgh, palace of Halieruidhous and vperis placeis thairabout: And to þe end he nicht bring his wikit, filthie and execrable attemptat better to pas, he, with the remanent personis afoirnamit, be thame selffis, thair seruandis, complices and vperis in thair namis, of thair caufing, command, hounding, sending, pairtaking, assistance and rathabitoun, vpoun þe tent day of þe said moneth of Februar 1566 3eris, at twa houris efter midnycht or thairby, come to þe lugeing beside þe Kirk of Feilde, within the said burgh of Edinburgh, quhair our said fouerane lordis darrest fader wes lugeit for þe tyme, and thair, be way of Hame-fukkin, brigancie

and forthocht felony, maist vyldlie, vnmercifullie and treafounablie flew and murtherit him, with Williame Tailleour and Andro MacAige his cubicularis,¹ quhan as they, burijt in fleip, wes takand the nichtis rest; brint his haill lugeing foirsaide, and rasit the same in þe air be force of gun-pulder, quhilk a litill befoir wes placeit and inputt be him and his foirsaidis vnder þe ground and angular stanis and within the voltis, laiche and darne² pairtis and placeis thair of to that effect: And rycht sua, he, with þe remanent personis afoirnamit, marrowis³ of his mischeiff, be thame selffis, thair servandis, complices and vperis in thair namis, of thair causing, commanding, hounding, sending and airt, pairt-taking, assistance and ratihabitoun, at þe tymis foirsaidis, respectiue, gaif thair fauour, counsell and help to þe preparatioun of the said horrible crymis: And ay senfyne, hes simulat, hid, [and] concealit the samyn in maist treafounable and secrete maner; and thairthrow had incurrit the panis of Lese-maiestie and fuld haue bene pvnissit thairfoir with all rigour, be tynfell⁴ [of] landis and guidis and be extinctioun of fame, titillis, honour and memorie; conforme to þe lawis of this realme. Likas, the remanent personis afoirnamit, his complices and conspiratoris with him in thir his treafounable impieties, wer alreadie tryit and foirfaltit for the same-selff hienous and detestable crymis; and for the maist pairt, as they culd be apprehendit, had sufferit maist shamefull deade thairfoir, according to thair deseruing. As at mair lenth is contenit in the Dittay gevin in anent the premisses, with the takinis and probationis produceit and vfit thairwith. Quhilkis being red to the said James Erll of Mortoun and he anfuerand thairto, denyit the samyn; be reafoun quhairof, the saidis Justice-deputtis referrit the samyn to the knowlege of þe Inqueist and Affise abonewrittin, quha wes sworne, resaut and admittit in presence of the said Erll.

VERDICT. And they being furth of Court removit and ryplie aduifit with the said Dittay, takinis infallible and maist evident, with þe probationis produceit and vfit for verefeing thair of; and thairefter enterand agane in Court, they all in ane voce, be þe pronunceing of þe mouth of Johne Erll of Montroise, Chancellair chofin be þe said Affise, fyllit the said James Erll of Mortoun of airt, pairt, foirknowlege and conceling of þe treafounable and vnnaturall murthour foirsaide.

SENTENCE. Efter þe quhilk convictioun, the saidis Justice-deputtis, be pronuntiatioun of Andro Lyndsay dempstar of þe said Court, adiugeit and for Dome gaif, That þe said James Erll off Mortoun fuld be had to ane geibbett, beside þe mercatt-croce of the said burgh of Edinburgh, and thair hangit⁵ quhill he wer dead; and thairefter drawin, quartarit and demanit as ane tratour:⁶ And that

¹ Grooms of the bed-chamber. ² Hidden, concealed. ³ Equals, partners. ⁴ Loss, deprivation.

⁵ Spotswood, p. 314, states that the King mitigated the sentence to beheading, &c. The Confession of the Earl of Morton shall be inserted in the Appendix. ⁶ Although burial was allowed, and 'his

all his landis, heretageis, offices and possessionis, takis, stedingis, cornis, cattell, actionis, debtis, obligationis, guidis, movable and vnmouable and vperis quhatfumeuir, quhilkis pertenet to him, fuld and aucht apertene to our souerane lord and to be applyit to his vse be reasoun of escheat of foirfalture, to be vptakin, vsit and disponit be his hienes at his pleasour.

Vpoun the quhilk premisses Mr Robert Crychtoun of Eliok, advocatt to our souerane lord, askit instrumentis and actis of Court.

EXTRACTUM ex actis Curie Justiciarie antedictae per me Willelmum Stewart Junio-rem notarium publicum et clericum dicte Curie, per Commissionem dicti s. d. n. Regis antedicti. specialiter electum et juratum, sub meis signo et subscriptione manualibus. Ita est,

WILLELMUS STEWART Junior
notarius publicus ac scriba dicte Curie.

CURIA JUSTICIARIE S. D. N. REGIS tenta in Edificio Domine Mar, infra burgum de STRIUELING, quarto die mensis Maij, anno domini millesimo quingentesimo octuagesimo quarto, per discretum virum Magistrum Joannem Grahame de Halzairdis Justiciarum in hac parte virtute Commissionis f. d. n. Regis specialiter constitut.: Sectis vocatis et curia legitime affirmata.

Leze-Majesty—Raid of Ruthven—Treasonably taking Burgh and Castle of Stirling, &c.

WILLIAME EARL OF GOWRIE LORD RUTHVEN.

May 4, 1584.—The quhilk day Williame Erll of Gowrie Lord Ruthven, being presentit and enterit vpoun pannell, in presence of þe said Justice, and put to þe knowlege of ane condigne Affise of þe rycht honorable personis following, to witt:

ASSISA.

Coline Erll of Argyll,	James Erll of Arrane,	Williame Lord Levingstoun,
David Erll of Crawford,	George Erll of Mershell,	Patrik Lord Drummond,
Johne Erll of Montroise,	Alexander Lord Saltoun,	James Lord Ogilvie,
James Erll of Glencarne,	Hew Lord Somervell,	Alexander Maister of Elphingstoun,
Hew Erll of Eglintoun,	James Lord Downe,	Sir Johnne Murray of Tillibardin, k ^t .

Dilatit and accusit of the treasounable crymis following, wes, be thair deli-
corps carried by some base fellows to the common sepulchre, his head was fixed on the Tolbooth. The king afterwards granted the following Warrant to take down the head, which is preserved in the archives of the City of Edinburgh:

‘**REX.** Prouest and baillies of our burgh of Edinburgh, We greit 3ow weill. It is our will and We command 3ow, that incontinent efter the sicht heirof, 3e tak down the heid of James sum tyme Erle of Mortoun of the pairt quhair it now is placeit, vpon 3our awld tolbuith; swa that the sam heid may be bureit: For the quhilk this our lettre fall be to 3ow sufficient warrand. Subscryvit with our hand, At Halyrudhous, the aucht day of December, and of our reigne the sextene 3eir, 1582.’

uerance, pronunceit be þe mouth and deliuerance of George Erll of Mershell, Chancellair of the said Affise, found and declarit culpable and convict : That forsamekill as, in the beginning of Februar lastwes, Mr Dauid Home seruitour to þe Erll of Angus, and Mr James Erskyne seruitour to the Erll of Mar, come to him privile, vnder filence of nycht, within þe toun of Perth, and declarit to him how they wer directit be þe saidis tua Erllis, to certifie vnto him, that they wer baith of ane mynd, in following out and executing of thair treasounable devise, in taking of þe kingis burrowis of Sterling and Perth, at lest þe ane or the vper of thame : At the quhilk tyme, he aggreit with thame, in maner of the saidis Erllis, to rin thair cours in taking and fortefeing of þe townis foirsaidis, at þe least ane or vper off thame : Quhairefter, þe said Mr James reid¹ bak agane to þe said Erll of Angus, and assurit him, that he had aggreit to thair maist treasounable interprise. And thairthrow, he hes committit maist manifest Treasoun, not onlie in conceling of ane treasounable purpos of sa greit consequence, bot also mekill mair, in consenting and aggreing. ITEM, fyllit and convict, that forsamekill as, he vnderstanding that Mr James Erskyne, seruand to the Erll of Mar, wes travelland throw þe cuntrie, in Stratherne, Striulingshire and Angus, treatand and consultand with þe partakeris and assistaris with þe saidis Johne Erll of Mar, Archibald Erll of Angus,² Thomas Lyoun Maister of Glammis and Johnne Carmichaell of that Ilk 3oungar, vpoun thair treasounable interprise, in taking of the Kingis Maiesties frie burgh and Castell of Striueling and dyuerse vther treasounable purpesses, he layit þe wayis for the said Maister James and garrit await for him be his seruandis, that þe said Mr James nicht be convoyit to him : And efter his cumming to him, þe said Erll enterit in conference with him, towardis the treasounable interprise attemptat be the personis abonewrittin, towardis the said treasounable surprising and taking of þe said (burgh) and Castell. Quhilk treasounable interprise they brocht to effect, and

¹ Rode. ² 'Ane Act anent the arreisting, intromission and sequestration of þe eschaet guidis and debtis of þe rebellis befor they be convict or put to the horn ;' immediately follows the Act of Ratification of 'the domes of Foirfaltour' above quoted, and states, that 'forsamekle as be Act of Parliament it is provided, that gif ony persoun or personis beis slanderit or suspect of Treasoun, they salbe tane and remane in firmance and thair guidis vnder fuir borrowis, quhill the tyme they haue tholit ane Affise quhiddir they be quyt or foull : And trew it is and of veritie, that Archibald Erll of Angus, Johnne Erll of Mar, Mr Thomas Lyoun of Baldukie Maister of Glammis, with thair complices, quhilk laitlie tuik and detenit his hienes burgh and Castell of Striueling, rasand oppin weir aganis his hienes and his auctoritie, ar senfyne pairtly fled and remanis out of þis realme, and pairtly remanis hid and couerit within the same vnapprehendit as zit,' &c. 'And they and thair freindis and fauoraris in the meantyme sellis, annaleis, disponis, cancellis and puttis away thair guidis, geir and debtis, and gevis acquittancis and dischargeis to thair dettouris, in manifest defraud of our fouerane lord anent thair eschaetis ; sua that litill or na thing thairof salbe left to cum to his hienes vse and behalf, gif þe intromission of þe samyn be left, quhill they be convict or put to þe horne for þe said treasounable crymis : Thairfoir our said fouerane lord, with auise of his thrie Estatis, hes statute and ordinit, that all their guddis, gear and debtis, maillis, fermis, rentis, &c. fall remane sequestrat in the handis of the Lord Thesaurar, ay and quhill thay salbe tryit quite or fowll of the saidis crymes,' &c.

reasounable tuik (the) said toun and Castell of Striueling, fortefeit and furniffit the said Castell with men and (munitionis?): Quhairthrow, he affistit thame in thair treasounable deid foirsaid and wes foirknawin of þe samyn, and wes art, pairt, red and counsell thairof; at least, treasounable concelit þe same fra his Maiestie, contrair to his dewtie and dew obedience. ITEM, of the disobediencie maid be him, in not randerin of Williame Drummoundis hous in Dundie to my Lord of Pettinweme, ane of our fouerane lordis Previe Counsell and Capitane of his hienes garde, efter þe intimatioun of our foueran lordis Commiffioun to him, maid be þe said lord Commiffionair; bot keping the same be þe space of thrie houris or thairby thairefter. ITEM, of committing of ane maist hie Treasoun, in conceling of ane purpos of wechtie importance, quhairthrow þe lyif and estait not onlie of our fouerane lord, bot also of his darrest mother be perrellit; quhilk had fallin out, gif he had not stayit and impedit it: And sua, not onlie maist vnnaturallie and treasounable committing maist hie Treasoun, in conceling of ane purpois of sa wechtie importance, bot also persisting in the said Treasoun, be continowance of his silence and not declaring of þe said purpos, tending to þe perrell of his Maiesties lyf and estate.

SENTENCE. And thairfoir the sentence and dome of Foirfalture wes pronunceit aganis the said Erll, be þe mouth of Robert Scott in Striueling, dempstar of þe said Court; That þe said Erll suld be tane to þe skaffald beside the mercatt-croce of Striueling, and thair his heid strikkin fra his body and demanit as ane tratour: And that he hes foirfaltit and tint all his landis, heretageis, possessionis, takis, ftedingis, offices, lyfrentis, actionis, debtis and vperis guidis movable and vnmovable, to be applyit, vptakin and disponit be our fouerane lord at his pleasour, and to remane with him and his fuceffouris for euer, be reasoun of eschaet and foirfalture; as the proces maid thairvpoun beris.

EXTRACTUM *de libris Actorum Adiornalis dicti s. d. n. Regis, tanquam sententia Forisfacture dicti Comitis, per me Ludouicum Bellenden de Achnoull militem clericum Justiciarie eiusdem generalem, sub meis signo et subscriptione manualibus.* LUDOUICUS BELLENDEN clericus Justiciarie.

1584.—APUD EDINBURGHE, *vigesimo die mensis Augusti anno domini 1584, s. d. n. Rege ipso presente, cum tribus regni statibus; vnacum Johanne Irwing, deputato Mariscallj, Willelmo Henrysoun deputato Constabularij, et Magistro Johanne Arthour deputato Vicecomitis de Edinburgh, ac Andrea Lindsay Adiudicatore¹ officiarijs Parliamentj: Sectis prius vocatis et Curia affirmata.*

¹ Dempstar, deemster.

Raid of Ruthven—Forfeiture of the Earls of Angus and Mar,¹ &c.

(Aug. 20.)—The quhilk day, Mr David Makgill of Nesbet, aduocate to our fouerane lord, producit ane Summondis of Tressoun, dewlie execut and indorfit aganis Archibald Erle of Angus, Johne Erle of Mar, Dame Agnes Drummound Countes of Mar his spous, Dame Annabill Murray Countes of Mar his mother, Mr Thomas Lyoun of Baldeukey, Maister (and Tutour) of Glames, Dame Agnes Gra Ladie Home his spous, Dame Margaret Lyon Countes of Caffillis, Dame Dorathia Stewart Countes of Gowry, Adame (Erskine) Commendater of Cambuskynnethe, David (Erskine) Commendater of Driburgh, Williame (Erskine) Commendater of Paflay, Mr James Erskene brother to Robert Erskene of Lytill Sauchy, Johne Leslie of Buchane, Michael and William Elphingstonis, brether to the Lord Elphinstoun, George Dowglas of Park, James and George Dowglass pair sonis, James Dowglas of Todhoillis, Johne Dowglas of Glasdene, William Dowglas of Boncle, (Williame) Dowglas his sone and apperand air, Robert Dowglas 3oungar of Lochlevin, Laurence Maister of Oliephant, Johne Maister of Forbes, Patrik Drummond apperand of Carnok, Johne Levingstoune 3ounger of Dynnypace, Johne Carmichael 3ounger of that Ilk, Hew Carmichael his sone, Williame Carmichael of Rowntriecorce, Johne Lyoun 3ounger of Coffynis, James Lyoun of Eister Ogill, Williame Lyoun of Balgellie, Hew Nesbet of Raschill, Patrik Home of Argaties, Johne Leslie of Largie, Johne Leslie of Authorteis alias Bannachy, James Hammiltoun of Haggis, Robert Hammiltoun of Corse, Arthour Hammiltoun of Boithuelhauche, Mr Johne Coluill, chantour of Glasgw, Mr Patrik Quhitlaw of Newgrange, Johne Arbuthnot of Lyntusk, James Murray of Pardowis, Vthreid M^cDowgall of Gartheland elder, Vthreid M^cDowgall of Garthland 3ounger, and Robert Eskene of Lytill Sauchy: Quhairby they were summoned to haue comperit befor the Kingis Maiestie and his Estaitis of Parliament this instant day, with continewatioun dayis, ffor certane crymes of Tressoun contenit in the summondis rasit thairvpoun.

DITTAY against the EARLS OF ANGUS and MAR and their accomplices.

.....super proditorijs criminibus sequentibus dictis, scilicet, ARCHIBALDUM ANGUSIE et JOHANNEM MARRIE COMITES, suosque complices et alios specialiter ante nominatos, et eorum quemlibet, pro suis recentibus proditorijs Conspirationibus earundemque executionibus, modo subsequentijs. QUANDOQUIDEM palam constat et est notum, quod in mense Aprilj, anno dominj millesimo quingentesimo septuagesimo octauo, immediate post acceptum imperij regimen in nostram personam, matura statuum nostrorum habita deliberatione, dum nos infra dictum

¹ Records of Parliament, Acta III., 332.

Castrum nostrum de Striveling permaneremus, Quodquidem tunc temporis fidissimj et predilectj nostrj Alexandrj Erskin de Gogar custodie commissum fuit, qui trium statuum nobilium et consulum nostrorum unanimi consensu, ex antiqua et nobilitate prestanti familia de Erskin oriundus et dicta cura dignus comprobatus est: Prefatus vero *Johannes Marrie Comes*, nihil jam prisce fidelitatis retinens om . . . arbitrio suo statuens ob horrenda facinora pre se nunc commissa declinans indignus omnium visus, idem ipsum nostrum Castellum proditorie ceptum, dictusque Alexander Erskin eiusdem Capitaneus violenter depulsus et remotus, cum diuersis alijs nobilibus viris, per nostrum Consilium deputatis nobiscum permanere, pro nostre persone firmiori tutela et rei publice vniuerse conseruatione, idque summa vi et violentia illata per antedictos Johannem Marrie Comitem, Daudem Erskin Commendatarium de Dryburgh, Adamum Erskin Commendatarium de Cambuskynneth, Wilelmum Commendatarium de Paislay, Robertum Erskin apparentem de Littill Sauchye, Magistrum Jacobum Erskin eius fratrem suosque complices, qui subito domesticos nostros seruitores ad voluntatis sue libitum amouerunt; alios vero sibi cognatos et sue factionis homines assumpserunt; certo proposito et animo deliberato, eorum subiectioni nos perpetuo damnare et retinere; nunc hos vt sibi optimum visu erat promouere, nunc illos nostros nobiles et fideles ligeos prosequi odio et opprimere: Atqui in hoc facinore nedum suo sanguinj et cognatis pepercerunt, quorum partim merore perculsi mortem obierunt; neque in atrocissima fidelium nostrorum cruoris effusione modum ac modestiam vallam habuerunt, presertim infra portas dicti nostri Castri, licet (in eo nobis residentibus) idem et campus omnis vndeque quatuor milliarijs proxime circumiacens, pacis propugnaculum, ara et asylum semper extitit et est. Quod facinus proditorium, prefatus Comes sui que complices, tanquam probum opus approbari volentes, nos prefecto violenter per ipsos detentos Parliamentum statuere et tenere infra dictum Castrum compulerunt, erga mensẽ Julij anno antedicto, cuiusquidem Castrj tunc sese superiores et magistr̃os modo superscripto effecerunt, nosque contra animi nostri desiderium armatorum presidio circumvallatos ibidem detinuerunt; qui certe locum Parlamento tenendo semper inidoneus est visus, quandoquidem more maiorum et veteri obseruata consuetudine, Parlamento in locis et vrbibus accessui et recessui liberis tenenda sunt, vbj nobilium ac trium regni statuum vnusquisque libere loqui et suffragia dare possit; non vero in Castris, arcibus et fortalicijs, ipsorum vestibulis, portis et januis vndique armatorum militum presidio circumceptis, per dictum Comitem ad hunc effectum deputat. nobilium autem ac statuum ne vllo quidem ingredi permisso sed tali comitante caterua vt prefato Comiti suis complicibus et deputatis antedictis cui ingressum patefieri perpeti collibuit, Protestatione etiam accepta tunc contra ordinem et locum tenendi Parliamentum: In quo tamen, pro se suisque

complicibus prelibatis, antedictum suum proditorium nefas ut fidele seruitium approbari obtinuit, atque hec omnia in amplificandam gratiam et promotionem talium confecta sunt. Qui nefande quondam charissimi patris nostri murthure perpetratores extiterunt, scilicet, quondam Jacobi olim Mortonie Comitum aliorumque fociorum, qui convicti pro eodem scelere debitam et consuetam proditorum mortem digne perpeffi sunt. Postea ob communem reipublice quietem nostrique salutem prescripto audace periclitantem dictum Comitem de Mar, nobis intimum tanta benevolentia sumus amplexi, premijs et largitionibus munificentissimis, pre reliquis nobilibus, ipsum abunde remunerati eius pristinam dignitatem amplificauimus, quo certius ac melius eum nobis ac debito erga nos officio deuinciremus, in tali saltem fidelitate et singulari obseruantia qua suus olim pater patruusque Alexander Erskin antenominatus alijque sui primores nos nostrosque progenitores nobilissimos perpetuo ante, summa diligentia coluerunt: Atqui ille aduersum nos nostramque mentem institutum aliud nefarie et audacter prosequens, salubribus nostris consilijs quo se corrigeret et prodicionibus hujusmodi abstineret sepius adhibitis minime auscultans, Seditiones tamen ultra concitare et jurgia fouere, ne vlllo tempore destitit qua occasione permoti, nostri fideles subditi sese armatos in vnum compulerunt nobili nostra persona in dicto Castro, tanquam in carcere, per antedictum Comitem et suos complices detenta et custodita, modo superscripto, ut in quo statu essemus et qua valetudine frueremur intelligerent, ac pro nostra salute et libertate ipsorum vitas periclitari et corpora morti objicere non desinerent: Quocirca apud Falkirk conuenerunt in mense Augusto anno predicto; quoquidem tempore dicti Marrie, Mortonie et Angusie Comites suiique complices, nostram nobilem personam ipsorum potestati subjugatam in Castro nostro detinentes ut predictur inuitos nos compulerunt Proclamationes dirigere ad conueniendum nostros liegeos unde per probam affectionem qua dicti nostri fideles subditi in recuperanda nostra libertate alliciti erant: Et per publicam Proclamationem cum obtemperantes alii nostri ligij se conuenerunt, dicti Comites et sui complices effecerunt quod in ijs possibile factu erat, ut huius regni subditorum partem alteram ad reliquorum extremam perniciem et necem cruentam, in arma subito irruere et prelium inire allicerent: Quo facilius hec patria, persona nostra nobilis, status publicus et auctoritas regia cuius externe gentij et inimicis preda procliuior fieret, nisi nos singulari omnipotentis Dei sapientia et prouidentia diuinitus nobis concessa repleti, dictas turbas tumultusque concitados mox comprimeremus et sedaremus. PRETEREA dicti *Marrie et Angusie Comites*, in proditorijs suis ceptis perseuerantes, suosque complices in eisdem fouentes, prestiterunt; precipue, vbi dictus quondam Jacobus olim Mortonie Comes, de arte, parte, prescientia et concelatione horribilis et nefarie necis quondam charissimj nostri patris conscius dilatus, ideoque in Castro nostro de Edinburgh in-

carceratus et paulo post hinc transportari in Castrum nostrum de Dunbartane iussus fuit, prefati Archibaldus Angusie Comes, Johannes Carmichall de eodem junior, Hugo Carmichall eius filius, Georgius Dowglas de Parkheid, Jacobus et Georgius Dowglassie eius filij, proditorio more conspirantes, molientes et concludentes, violentam interceptionem et ablationem dicti quondam Comitis e manibus fidelium nostrorum subditorum ad ipsius conductionem per nos assignatorum, specialem nostram Commissionem ad hoc habentium: Idque in mense Januario, anno domini millesimo quingentesimo octuagesimo, sese in vnum omnes cum suis complicibus, more bellico accincti, conveniebant, juxta rupes de Bred, ea intentione et ex certo proposito vt prefatum quondam Comitem interciperent, apprehenderent et vi armata auferrent. Quemadmodum etiam direxerunt quondam Archibaldum Dowglas olim Constabularium Castri de Edinburgh, qui nuper morte multatus est, jubentes eum significare et ducem dicti Castri certiore facere, vt dictum quondam Comitem retineret ac obseruaret apud se; nostro interim iussu ipsum transportandi vt predicitur plane dato: Hinc manifestissime crimen Proditionis et Lesemaiestatis committendo. Et ob hec pleraque alia proditoria scelera, dictus *Angusie Comes* sui que complices ante nominati, in Parlamento nostro tento apud Edinburgh, in mense Octobris anno domini millesimo quingentesimo octuagesimo primo Conuicti et fforiffacti decernebantur. Prefatus tamen *Johannes Marrei Comes* certo intelligens dictum Angusie Comitem ea frui conditione et ob causas prescriptas nostrum incurrisse indignationem, ipsum nihilominus in Castrum nostrum de Sterling intromisit, recepit, familiari tractauit, pactiones, Conspirationes, diuersas consultationes et conclusiones secum iniit et deliberauit; in magnum nostri contemptum tocius patrie communisque pacis perturbationem atque adeo ne adhuc satisfactus; immo vltra persistens, non modo in regni huius vniuersam subuersionem, sed nostre quoque saluti et auctoritati regie periculum intulit. Postquam, Deo optimo maximo fauente, noster consanguineus fidelis honestus, virtutis exuperancia prestans et Christiane Religionis professor sincerus, quondam Esmus Leuinie Dux, charissimus noster amicus, e sua natiua patria Gallia profectus, se huc appulit inuolabilem ob ingentem zelum sue erga nos obseruantie: In qua, cum se fidissimum, integerrimum et obsequentissimum declarauerat, et in nos fidelis animi sui officio probe functus esset, proditorium scelerum et Coniurationum prescriptarum male conscios sese intelligentes, in eisdem inuestigandis patefaciendisque, metuentes prefatum quondam nobilem dominum Ducem grauitur operam adhibiturum ob nostram salutem et incolumitatem atque ipsius sedulitate et integritate, reliquos Coniurationis impetus et conatus retardari pertimescentes pergere, nunquam destiterunt donec proditorie conspirarent: Cum quondam Wilermo olim Comite Gowrie domino Ruthwene, nobilem nostram personam apprehendere et captam detinere apud Castrum illius

de Ruthwene, et hoc super vicesimo tertio die mensis Augustj, anno dominj millesimo quingentesimo octuagesimo secundo ; eodemque tempore fidos et dilectos nostros Consules aliosque probos ligeos nobis inferuire appropinquantes, pro ipsorum internecione et cede, crudelissime inuaserunt et vulnerarunt ; tunc quoque Consulum et aliorum fidelium subditorum nostrorum quosdam captiuos ceperunt et custodierunt, ordinarios remouerunt, Precepta nostra, nobis repugnantibus, dicto quondam charissimo et fidelissimo nostro consanguineo dirigere impulerunt, eum inaudita celeritate huius regni finibus exterminandum curaerunt, personam nostram ad sui animi libidinem et desiderium (magna suorum sociorum caterua) stipatam, huc atque illuc deduxerunt per spacium decem mensium deinde sequentium : Instituto certissimo et mente deliberata huiusmodi iugo seruitutis imperpetuum nos implicare et retinere, nisi ineffabili Omnipotentis beneuolentia et auxilio nosmet ipsos hinc abdicaremus vicesimo sexto die mensis Junii proxime elapsis. QUE impia facinora jam explorata et proditioes nefande jam patefacte, certissima sunt indicia et argumenta, ipsos ab initio fuisse fautores, defensores et promotores, talium qui reuera conspirauerunt contractum inierunt, subscripserunt et perpetrauerunt crudelissimam charissimi quondam nostri patris cedem. QUAMOBREM quidam ab hinc mortem condigne vt prescribitur perpeffi sunt : Ex supradictis etiam sole meridiano clarius patet, eos ipsos maliciose et maxime proditorie contra nos, nostram salutem, dignitatem, coronam et auctoritatem regiam, semper coniurauisse, clementia tamen ineffabilj humanitate modestiaque tanta in libertatis nostre recuperatione leniter sumus vfi, vt proditorie illius nostre captiuitatis et diurne custodie, ne quispiam author aut capitis periculum aut terrarum, bonorum jacturam vllam sustinuisse aut incurrisse videatur ; atque adeo prescripta scelera omnia et proditioes impiissime per dictos Angusie et Marrie Comites suosque socios, consceleratos proditores particulariter ante nominatos, commisse, misericordia et lenitate nostra florescente, partim tunc temporis, venia data, obumbrate et invlte preterierunt, partim in dicto Parlamento in prefato Castro tento pro fidei seruitio approbate, alioquin naturali clementia et mansuetudine nostra remisse simpliciter et imperpetuum obliuioni tradite condonabantur : Quibus benemeritis et gratitudinibus cuiuspiam fidelis et grati subdit(i ?) montem (mentem ?) concitarj ac inflammari maxime decuit non modo manibus pedibusque ob omnia facere vt vicissim obsequij sui et debite erga nos obseruancie fructum aliquod perciperemus, quinetiam cuius flagitio et proditorio sceleri nobis nostre auctoritati et liegibus repugnanti sese totis viribus opponere et obluctari summopere oportuit. NIHILOMINUS, contemptis et spretis hisce omnibus, prefatus *Archibaldus Angusi Comes, Johannes Comes de Mar, Agnetam Drummond Comitissa de Mar*, eius sponsa, *Annibalem Murray Comitissa de Mar senior* mater dictj Comitis, Thomas Lyoune de Baldukye Magis-

ter et Tutor de Glammis, Agnis Gray Domina Hwme eius sponfa, Margareta Lyounne Comitissa de Caffillis eius soror, Dorothia Stewart Comitissa de Gowrie, Daud Erskin Commendatarius de Dryburgh, Adamus Erskin Commendatarius de Cambuskynneth, Wilelmus Erskin Commendatarius de Paislay, Joannes Carmichall de eodem junior, Hugo Carmichall eius filius, Patricius Drummond apparens de Carnok, Johannes Leslie de Balquhane, Magister Wilelmus Leslie eius frater, Wilelmus Leslie (Robertus Erskin?) apparens de Littil Sauchye, Magister Jacobus Erskin eius frater, Georgius Dowglas de Parkheid, Jacobus Dowglas et Georgius Dowglas eius filij, Jacobus Dowglas de Todhoillis, Johannes Dowglas de Glaspin, Wilelmus Dowglas de Boncle, Wilelmus Dowglas eius filius, Wilelmus Dowglas de Rountrecorfe, Wilelmus Connyghame filius natu secundus dominj Drumquhaffill, Michael et Wilelmus Elphingstones fratres Robertj dominj de Elphingstoun, Johannes Lyoun junior de Coffynnis, Jacobus Lyoun de Eifter Ogill, Wilelmus Ogill (Lyoun) de Balgillie, Johannes Levingstoune de Dunypace junior, Magister Johannes Coluile precentor de Glasgou, Magister Patricius Quhitelaw de Newgrange, Hugo Nesbit de Raschehill, Patricius Home de Argatheis, Johannes Leslie de Largie, Johannes Leslie de Authorteis alias Bannachie, Robertus Dowglas junior de Lochlevin, Laurentius Magister de Oliphant, Vthredus M'Dowgell de Garthland, Vthredus M'Dowell eius filius et heres apparens, Jacobus Hammiltoune de Haggis, Robertus Hammiltoun de Corfe, Johannes Magister de Forbes, Johannes Arbuthnot junior de Lyntusk, Arthurus Hammiltoun de Boithuelhauch, Jacobus Mwrray de Pardoves, &c. Cum suis complicibus, socijs et fautoribus, ex ipsorum causatione, directione, missione, receptione, jussu, assistentia et ratihabitione, perseverantes in suis proditorijs determinationibus et conclusionibus aduersum nos, nostram personam, auctoritatem et regiam coronam susceptis, in mensibus Novembris, Decembris, Januarij, Februarij, Marcij et Aprilis proxime elapsis, maxime proditorie intercommunicarunt, tractauerunt, consultauerunt, deliberarunt, et mediantibus quibusdam personis, tandem concluderunt cum dicto quondam Wilelmo olim Comite Gowrye, super nefanda et proditoria actione, ad intercipiendum et manus violentas imponendum in personam nostram nobilem, ut iterum more solito, eorum ditioni et potestati facilius nos astricti contra nostre mentis libitum, ipsorum voluntati et libidini omnino obtemperaremus, atque adeo ad cruentas manus inferendum in personas nostrorum nobilium Consulum et fidelium subditorum perniciem, ad vniuersam reipublice disturbance et authoritatis nostre subuersionem. Post multas tandem priuatas Coniurationes, literarum hinc inde missionem et receptionem per nuncios habitam cognitionem et proditorias ac nefarias suas conspirationes facilius ad effectum perducerent, demum antedicti proditores sui que complices, decimo septimo, decimo octauo, decimo nono, vicesimo, vicesimo primo, vicesimo secundo, vicesimo

tertio, vicesimo quarto, et vicesimo quinto diebus mensis Aprilis vltimo elapsis, in vnum armati conuenerunt, ac liberum burgum nostrum de Striveling expugnarunt et ceperunt, Balliuos magistratusque eiusdem captiuos deduxerunt, Pontem, campanile, diuersasque partes dicti burgi fortiter munierunt, mercenarios milites conuocarunt vndique juxta Australia menia viam facilem per vicinos parietes adiacentes patefecerunt, prope scholam murum saxi et lapidibus congestis extruxerunt, cuius pars ad huc indiuulsa permanet, Castrum nostrum de Striveling summa vi strenuo oppugnarunt, paucos nostros fideles ligeos eiusdem custodes idem ipsum derelinquere et sese dedere compulerunt, quos deinde tanquam captiuos arctissime mandauerunt custodie, Johannem Gledstanes Ormond Signeferum, aliosque nostros nuncios, qui literas nostras publice proclamare apud forum dicti liberi nostri burgi dirigebantur, easdem debite executioni mandare impedierunt, atque eas ab ipsis violenter furripuerunt, Proclamationes publicas fieri ad milites stipendiarios conducendum effecerunt; expresse contra Parliamentj Statuta, et in manifestam legum violationem: Perpetratisque hisce omnibus nedum flagitijs saginati aut satisfacti, prefatum nostrum Castrum de Sterling armatis viris, prouisionibus bellicis ac cibarijs compleuerunt, et strenuo munierunt, certo proposito et animo deliberato idem ipsum contra nos auctoritatemque nostram regiam pertinaciter et proditorie detinere ac tueri. Quaquidem occasione merito, nos commoti, ad expugnationem et recuperationem dicti Castri et burgi, exercitum sedulo conuocauimus atque ipsi diligenter processimus: hinc audacter et temerarie crimen summe prodicionis et Lesemaiestatis committendo, in magnum nostre auctoritatis contemptum et legum violationem. Atque adeo, pro sua proditoria celatione et occultatione predictae Coniurationis, consultatione, conclusionem, contractu et executione eiusdem: IDEOQUE dictos Archibaldum Angusie Comitem, Johannem Comitem de Mar, Agnetam Drummond Comitissam de Mar eius sponsam, Annibalem Murray Comitissam de Mar seniore, matrem dicti Comitis, &c. Conspiratores, proditoriosque executores ad videndum et audiendum sese et eorum quemlibet, respectu premissorum, crimen Lesemaiestatis incurrisse, per nos et trium regni nostri statuum decretum decerni et declarari; et super predictis et alijs quamplurimis rebellionibus, transgressionibus et proditorijs criminibus, per prenomintas personas contra nos regnum nostrum et auctoritatem regiam impie ac nefarie perpetratis; et dictis die et loco, cum continuatione dierum, proponendis et ostendendis ac juri parendum et super hujusmodi iudicium nostrum et nostri Parliamenti, secundum leges regni nostri expectandum et subeundum, dictas viz personas, Conspiratores, perpetratores et celatores criminum precedentium respectiue, ad videndum et audiendum sese et eorum quemlibet, intuitu premissorum, crimen Lesemaiestatis incurrisse, per nos et trium regni nostri statuum decretum decerni et declarari; et propterea ipso-

rum bona mobilia et immobilia, tam terras quam officia, aliasque res ad eos spectantes, nobis confiscari et pro perpetuo nobiscum in proprietate remanere, personarumque suas penam prodicionis et ultimi supplicii a regni nostri legibus inflictam subire: Et vberius in premissis respondendum et imparendum intimando supradictis Conspiratoribus et eorum cuilibet, quod siue dictis die et loco cum continuatione dierum comparuerunt siue non, Nos dictusque nostri Justiciarius, in premissis iusticia mediante, procedemus et procedet. INSUPER citetis, &c. ad comparandum coram nobis nostroue Justiciario dictis die et loco, cum continuatione dierum, ad perhibendum fidele testimonium in causa predicta, sub pena legis; et presentes literas debite executas et indorsatis earundem latori reddatis: Et vos qui presentes executi fueritis sitis ibidem dictis die et loco coram nobis seu dicto nostro Justiciario, portantes vobiscum summonitionis vestre testimonium in scripto pro premissis seu ipsos testes. Ad quod faciendum vobis et vestrum cuilibet conjunctim et diuisim vicecomitibus nostris in hac parte committimus potestatem. DATUM sub Testimonio nostri Magni Sigilli, Apud Edinburgh vicesimo quinto die mensis Maii, anno domini millesimo quingentesimo octuagesimo quarto et regni nostri decimo septimo.

Quhilkis haill persounis abonevrittin war thrie findrie tymes oppinlie callit at the tollbuyth wyndok, and nane of thame compeirand [exceptand Dame Anabill Murray Countes of Mar elder, Dame Agnes Drummond Countes of Mar younger, Dame Dorathie Stewart Countes of Gourie, Williame Elphingstoun, Johne Leslie of Authorteis, Williame Dowglas of Bonkle elder, quho offerit thame to the tryell anent the poyntis contenit in the summondis of Tressoun; quhome the Estaitis of Parliament ordanit to reteir to pair lugeingis, thairin to remane quhill the morne at aucht houris, and thay than to compeir befor the Kingis Maiestie and Lordis of Articles, to ansuer to the said summondis,] and immediatlie pairefter the said Aduocat producit Richard Bynning, &c. messingeris, executoris of the said summondis, quha maid fayth that thair said executiounis, as thay beir, ar iust and trew, &c. Efter the verificatioun of the quhilkis executionis, the said Mr David Makgill, aduocat, producit thir twa wrytingis following, subscriwit be the Kingis Maiestie, off the quhilkis the tenouris followis:

Warrant to delete Robert Erskin of Lytill Sauchie from the Summondis.

‘REX.

‘MR DAVID MAKGILL of Nesbet our aduocat: Forsameikle as we vnderstand that thair is ane summondis of Tressoun directit aganis diuersse personis, ffor the late tumult and rebelloun laitlie committit aganis ws, and that our seruitour Robert Erskene is chargeit thairwithe to compeir in our nixt Parliament, to be foirfalt ffor the causses contenit in the said summondis: Newirtheles, remembering the said Robertis gud and thankfull seruice done to ws of befor, and for certane gud considerationis, we ar mowit nocht to insist aganis him in our nixt Parliament, be the said summondis rasit aganis him; that 3e deleit his name furthe of the samin and executionis pairof, to the effect he be nocht

trublit pairby in ony fort; 3e kepanð þir pointis for 3our Warrant. Subscriwit with our hand, at Edinburgh, the xx day of August, and of our reinge þe xvij 3eir 1584.

(Sic subscribitur) 'JAMES R. MONTROISE, JAMES STEWART, BLANTYIR.'

Heir followis the tennour of the vther wryting:—

Warrant to delete Makdowgalls of Garthland from Summondis.

'OUR ADVOCAT we greit 3ow weill: Forfamekle as pairis summondis of Treffoun rafit and execut at our and 3ow our Aduocatis instance in our name, aganis Vthreid M^cDowgall of Garthland, and Vthreid Makdowgall his sone and apperand air, ffor the treffonable supprying and taking of our Castell and toun of Striueling, being in cumpanie with diuerse our conspiratoris contenit in the summondis rafit pairvpoun; at the leift, art and pairt pairof: ffor diuerse reffonabill causses and confiderationis moveing ws, it is our will that 3e extinct and deletit furthe of the said summondis the saidis Vthreid M^cDowgall and his sone, and pas fra that pairt of the said summondis, safer as concernis thame, for the said cryme or ony vther crymes mentionat in the said summondis; dischargeing 3ow of all perfewing or infisting aganis thame for the famin, and of 3our office in that pairt. As alfua discharges the Lordis of our Parliament, our Justice generall and his deputis, of all proceeding aganis thame ffor the premisses, simpliciter. Subscriwit with our hand at Edinburgh, the nyntene day of August, the 3eir of God I .V^c.lxxxiiij 3eiris.

(Sic subscribitur) JAMES R.

And according to the command of the saidis twa wrytingis, the said Aduocat, in presens of the Kingis Maiestie and Lordis of Articles of this present Parliament, past fra the perfute of the saidis Vthrid M^cDowgall of Garthland, Vthrid M^cDowgall his sone and apperand air, and the said Robert Erskene of Lytill Sauchy: And thairfoir pair saidis thrie nemmis of command foirsaid war presentlie deletit furthe of the said summondis of foirfaltour: Wpoun the production of the quhilkis twa wrytingis and deleting of thame furthe of the said summondis, the said aduocat askit instrumentis, and immediatlie paireftir, the Kingis Maiestie being personalie present, commandit the said Mr Dauid Makgill, his hienes aduocat, to pass fra the perfute of the saidis Johne Levingstoune 3ounger of Dinnypace, William and Michael Elphinstonis brether to the Lord Elphinstone, Williame Dowglas of Bonkle, and Williame Lyoun of Bagillie: And siclyk, commandit the said Clerk of registri and his deputis to deletit thame furthe of the said summondis of Foirfaltre: Quhilkis war presentlie done, in presens of the Kingis Maiestie and Lordis of Articles, be the said aduocat, and Alexander Hay, Clerk of registri; and pairvpoun þe said aduocat askit instrumentis. And siclyk, Johne Leslie of Authorteis alias Bennachy, being personalie present, producit ane Remissioun grantit be our fouerane lord, vnder his hienes greit seill, Remittand the said Johne the foirsaid cryme and Treffoun contenit in the said summondis of Foirfaltour led aganis him: In respect of the quhilk, the said aduocat inlykuayis past fra þe perfute of the said Johne Leslie; quhairvpoun the said Johne askit instrumentis.

QUHILK SUMMONDS, with the executions and indorsationis thairof respectiue foirsaidis, being red first in presens of the Lordis Commiffionaris of Parliament, vpoun the said xx day of August instant, and siclyk vpoune the xxj day of the samyn moneth thaireftir, specialie depute be his hienes Commiffioun for haldin thairof, first in Latene and thaireftir in Scottis; and the haill perfonas defendaris abonewrittine, being diuerse and fyndrie tymes callit at the tolbuith windok, to haue comperit and ansuerit to the said summondis, and nane of thame comperand, (exceptand the saidis Deame Annabell Murray Countes of Mar elder, Deame Agnes Drummond Countes of Mar 3ounger, Deame Dortha Stewart

Countes of Gowrie,) the said aduocat, for verificatioun and probatioun of the foir-faidis executionis and indorsationis of the said fummondis, repetit the Actis maid the saidis xx and xxj dayes of August instant : As the samyn, schawin and producit before the Kingis grace and thrie Eftatis of this present Parliament portit. And siclyk thaireftir, the foirfaidis haill perfonis defendaris being of new oftymes callit at the said tolbuith windok to haue comperit before the saidis Lordis of Articles, and defendit the said fummondis the foirfaid xx and xxj dayes of August instant rex^{ue} with continewatioune of dayes, and thay beand oftymes callit and nocht comperand, (exceptand as said is,) the said aduocat desyrit the saidis Lordis of Articles Declaratioune, gif the reffones of the said fummondis war relevant or nocht : Quha than declarit the samyn to be relevant, vpoune the said xxj day of this instant moneth : At the quhilk tyme the said aduocat producit the haill wryttis and repetit the haill probationis contenit in the Actis maid the day foirfaid in prefens of the Lordis of Articles, for probatioune of the said fummondis. Quhilkis Lordis of Articles thaireftir fand the said fummondis sufficientlie prowine aganis the perfonis vnderwrittin.—And in semblable maner, the said haill fummondis with the executionis and indorsationis thair of, being red baith in Scottis and Latene, in prefens of the Kingis grace and thrie Eftatis of this present Parliament, and the foirfaidis haill perfonis defendaris being of new callit, as of before, fyndrie tymes at the said tolbuith windok, and nane of thame comperand (exceptand as said is) and the haill wryttis and vtheris probationis producit be him the day immediatlie ofbefore, quhilk he now lykwayes producit and repetit the samyn to our said fouerane lord and thrie Eftatis foirfaides, for prewing of the pointtis and articles contenit in the said fummondis, and thairfore desyrit farther proces in the said caus. And thaireftir, the said fummondis with the probationis foirfaidis, being first sene, confiderit and aduifit be the saidis Lordis of Articles, and now presentlie be the Kingis grace and thrie Eftatis of this present Parliament : Quha findis and declaris that the haill reffoun of the said fummondis are relevant and sufficientlie prowine aganis the perfones particularlie vnderwrittine, and ilk ane of thame for thair awin pairt : And Ordanes Dome to be pronuncit and gevin thairvpoune, be the mowth of Andro Lyndsay dempster of this present Parliament, depute and fworne thairto ofbefore ; of the quhilk Dome the tennour followis, pronuncit be the said Andro Lyndsay :

*DOME and SENTENCE against the EARLS of ANGUS and MAR and their
above mentioned accomplices.*

(Aug. 22.)—This Court of Parliament schawis for law, that the saidis Archibauld Erle of Angus, Johnne Erle of Mar, Dame Agnes Drummond Countes of

Mar 3ounger, Maister Thomas Lyounne of Baldukye Maister of Glammiss, Dame Margaret Lyounne Countes of Caffillis, Dame Dorathia Stewart Countes of Gowrye, Adame Commendatar of Cambuskynneth, Daud Commendatar of Dryburch, Williame Commendatar of Palislay, Maister James Erskin brother to Robert Erskin apperand of Littil Sauchie, Johnne Leslie of Balquhane, George Dowglas of Parkheid, James and George Dowglass his sones, James Dowglas of Todhoillis, Johnne Dowglas of Glaspene, William Dowglas sone and apperand air to Williame Dowglas of Bonkle, Patrik Drummond apperand of Carnok, Johnne Carmichale of that Ilk, Hew Carmichall his sone and apperand air, William Carmichall of Rantrecorfe, Johnne Lyounne 3ounger of Coffynis, James Lyounne of Eiftir Ogill, Hew Nesbit of Raschehill, Patrik Home of Argathies, Johnne Leslie of Largie, Robert Hammiltounne of Corfe, Arthour Hammiltounne callit of Boithwelhauch, Mr Johnne Coluill chantour of Glasgou, Mr Patrik Quhytelaw of Newgrange, Johnne Arbuthnot apperand of Lyntusk, and James Mwrray of Pardows, and euerilk ane of thame, hes committit and incurrit the crymes of Treffounne and Lesemaieftie, in the haill pointtis and articles contenit in the said summondis, berand as is abonewrittine: And thairfore decernis and declaris all thair guidis movable and vnmovable, alsweill landis as offices and vtheris quhatfumeuer belonging to thame, to be confiscat to our said fouerane lord, and remane perpetualie with his hienes in propertie for euer: And thair perones to vnderlye the pane of Treassounne and last pwneisment appointit be the lawis of this realme: And this I gif for Dome. Vpounne the quhilk declaratiounne and pronounciatiounne foirsaid, the said aduocat askit instrumentis.

THE quhilk day the Kingis grace and thrie Estatis of this present Parliament continewis that pairt of the summondis of Treassounne dewlie execute and indorfate, persewit be his hienes Justice and Aduocat aganis *Deame Annabell Mwrray Countes of Mar elder, Deame Agnes Gray Ladye Home* spous to the said Mr Thomas Lyounne of Baldukye Maister of Glammiss, *Lawrence Maister of Oliphant, Johnne Maister of Forbes, Robert Dowglas (younger) of Lochlewin 3ounger, and James Hammiltoun of Haggis*, tuiching the decerning of thame to haue incurrit the crymes of Treffoun and Lesemaieftie, ffor the caus specefeit in the said summondis; as at mair lenth is contenit thairintill, in the samyn forme, force and effect as it is now, but preiudice of partie, vnto the xx day of September nixttocum, with continewatioun of dayes; and than farder proces to be hade pairintill; at the quhilk day, Ordanis the said aduocat to produce sic wryttis, rychtis, ressones, documentis and probationes, as he hes or will vse, for prewing of the said summondis agane the said day, safar as concernis thair pairtis thairof: Quhairwpounne the said aduocat askit instrumentis.

High Treason — Raid of Ruthven — Forfeiture.

Aug. 22.—JOHNNE ROSS of Cragie, as brother and apparent heir or successor of the deceased James Ross of Petthevles.¹

The quhilk day Maister Daid Makgill, aduocat to our souerane lord, exhibite and producit lyke as he did syndrie tymes ofbefore, the summondis of Treassoune vnderwrittin, rasit and persewit at the instance of our souerane lord and his hienes Justice aganis Johnne Ross of Cragie, as brother and apperand air or successour to vmq^{le} James Ross of Pettheifles; quhairbye he was summoned to haue comperit before the Kingis Majestie and his Estatis, the xx day of August instant, with continewatioune of dayes, in his hienes Parliament to haue begune the said day, in the hour of caus, with continewatioune of dayes; to haue answerit vpoun the pointtis of Treassoune and Lesemaiestie vnderwrittine, contenit in the said summondis, committit be his said vmq^{le} brother: And thairfore, the said Johnne to haue hard, that the said vmq^{le} James committit the cryme of Treassoune in his lyvetye, for the caus vnderwrittine, &c. As at mair lenth is contenit in the said summondis. Off the quhilk the tennour followis:

SUMMONS of TREASON against Johnne Ross as brother of James Ross.

JACOBUS dei gratia Rex Scotorum, dilectis nostris Leoni Regi Armorum, Ilay, Albany, Ross, Rothefay, Snawdoune, Merchmond; Heraldis; Johanni Fergusson, Roberto Stewart, Archibaldo Dowglas, Daidi Bryffoun, clauigeris; Ormond, Bute, Vnicorne, Carrik, Signiferis; Richardo Bynning, Joanni McLowren, &c., nunciis et eorum cuilibet, coniunctim et diuim, vicecomitibus in hac parte, salutem. Mandamus vobis et precipimus quatenus summoniatu legitime et peremptorie, coram testibus, Johannem Ross de Cragie, fratrem germanum et apparentem heredem vel successorem quondam Jacobi Ross de Petthevles, personaliter si eius personalem presentiam commodè habere poteritis, alioquin apud locum eius habitationis, necnon omnes alios et singulos interessè habentes seu pretendentes, per publicam proclamationem apud cruces forales burgorum nostrorum de Edinburgh, Perth aliaque loca necessaria, ita quod huiusmodi summonitio ad eorum aures verisimiliter peruenire poterit, ad comparandum coram nobis nostroue Justiciario, vicesimo die mensis Augusti proxime futuri, hora causarum, cum continuatione dierum, in Parlamento nostro tenend. apud Edinburgh, . . . die mensis eiusdem, ad respondendum nobis seu nostro Justiciario in prefato Parlamento, et ad videndum atque audiendum per nos et trium regni nostri statum, decretum et sententiam decerni dictum quondam Jacobum Ross de Petthevles crimen Lesemaiestatis in ipsius vita commississe, ob eius proditoriam artem, partem, auxilium, consilium, iuvamen et assistentiam per ipsum prestitam et exhibitam, in nefaria illa Conspiratione cum quondam Wilhelmo olim Comite Gowrie domino Ruithwene, in proditoria interceptione ac manus violentas iniectioe in personam nostram, apud illius Castrum de Ruithwene, super vicesimo tertio die mensis Augusti anno domini millesimo quingentesimo octuagesimo secundo: Atque adeo, ob illius prescientiam, occultationem et concealationem eiusdem Conspirationis, vbi dictus quondam Wilhelmus olim Comes de Gowrie, Johannes Comes de Mar, Magister Thomas Lyoun de Baldukye Magister ac Tutor de Glammis et prefatus quondam Jacobus Ross, cum diuersis alijs suis complicibus, consilium proditorie innierunt, deliberarunt, finaliter et ad effectum perduxerunt nefandum ac proditorium illud facinus, in apprehensione nostre nobilis persone apud Ruithwene tempore antedicto: In quoquidem

¹ From the Records of Parliament. Acta III. 344.

Castro, violenter nos detinuerunt ac custodierunt, contra nostre mentis libetum et voluntatem, per spatium diuersarum dierum et noctium; inde crimen summe prodicionis committendo. Eodemque tempore, fidos et dilectos nostros Consules ac alios probos ligeos nobis inferuendi studio appropinquantes, pro ipsorum internecione ac cede inuaferunt et crudelissime vulnerarunt; tunc quoque Consul et aliorum fidelium subditorum nostrorum quosdam, velut captiuos ceperunt et custodie mandarunt, ordinarios Gardie nostre milites remouerunt, Precepta nostra nobis repugnantibus charissimo et fidelissimo consanguineo nostra quondam Esmo Leuinie Duci dirigere impulerunt vt quam citissime hinc discederet, eumque inaudita celeritate huius regni finibus exterminandum curauerunt, personam nostram ad sui animi libidinem et desiderium, magna suorum sociorum caterua stipatam continuo huc atque illuc deduxerunt, per spatium decim mensium deinde sequentium: Instituto certissimo et mente deliberata huiusmodi iugo seruitutis imperpetuum nos implicare et retinere, nisi ineffabilj Omnipotentis auxilio et beneuolentia nosmet ipsos hinc abdicaremus: Hinc manifestissime crimen Prodicionis et Lesemaiestatis committendo contra nos regalem nostram authoritatem et in apertam legum violationem. Et propterea, ad videndum et audiendum nomen, memoriam et dignitatem dicti quondam Jacobi Rofs de Pettheveles extinctam fore et esse decerni, armaque seu insignia sua e libro Armorum et nobilitatis deleri et cancellari, ita quod ipsius posteri ab officijs et honoribus in hoc regno nostro gaudend. sint inhabiles et incapaces dehinc imperpetuum; atque omnia bona sua terras et officia confiscari et nobiscum deinceps in proprietate remanere; intimando supradicto Johanni Rofs de Cragie fratri ac heredi seu successori antenominato, alijsque quibuscumque interessere habentibus, quod siue compareant siue non, dictis die et loco, cum continuatione dierum, Nos et Justiciarius noster nihilominus iustitia mediante procedemus et procedet: Et presentes literas debite executas et indorsatas earundem latori reddatis: Et vos qui presentes executi fueritis sitis ibidem, dictis die et loco, coram nobis vel Justiciario nostro portan. vobiscum vestre summonitionis testimonium in scriptis, pro premissis vel ipsos testes. Ad quod faciendum, vobis et vestrum cuilibet, coniunctim et diuisim, vicecomitibus nostris in hac parte, committimus potestatem. Apud Edinburgh, vicesimo quarto die mensis Junij, anno domini millesimo quingentesimo octuagesimo quarto et regnj nostrj decimo septimo.

Quhilk summondis with the executionis and indorsationis thair of, being red first in presense of the Lordis Commissionaris of Parliament, vpoun the said xx day of August instant, and siclyk vpoun the xxj day of the samyn moneth thaireftir, specialie depute be his hienes Commisshione for halding thair of, first in Latene and thaireftir in Scottis: And the said Johnne Rofs of Cragie comperand, quha was content tryell war tane vpoun the pointtis of the said summondis: The said aduocat, for verificatioun and probatioun of the foirsaidis executionis and indorsationis of the said summondis, repetit the actis maid the saidis xx and xxj dayes of August instant, as the samyn schawin and producit before the Kingis grace and Lordis of Articles proportit. And thaireftir the said summondis, with the probationis foirsaidis, being first sene, considerit and aduifit be the saidis Lordis of Articles and now presentlie be the Kingis Maiestie and thrie Estatis of this present Parliament: Quha findis and declaris, that the haille reassoune of the said summondis is relevant and sufficientlie prowine aganis the said vmq^{le} James Ros. And thairfore ordanis Dome to be pronuncit and gevin thairvpoun, be the mowth of Andro Lyndsay dempster of this present

Parliament, depute and fworne thairto of before : Off the quhilk Dome the tenour followis, pronuncit be the said Andro Lyndsay.

DOME of FORFEITURE. This Court of Parliament schawis for law, that the said vmq^{le} James Ros of Pettheveles committit the cryme of Lese-maiestie in his lyftyme, in the haill pointtis and articles contenit in the said summondis berand as is abonewrittin : And thairfore, decernis and declaris the said vmq^{le} James his name, memorie and honouris to be extinct, and his armes to be revin furth and delet out of the buik of armes, fwa that his posteritie newir haue place nor be hable heireftir to bruik or joise any office, honouris or digneteis within this realme, in ony tymes cumming :¹ And all his guidis, landis, offices to be confiscat and remane perpetuallie with his hienes in propertie, for euer : And this I gif for dome. Quhairwpoune the said aduocat askit instrumentis.

The quhilk day Johnne Ros of Cragie protestit, that quhatfumeuer thing done this instant day aganis vmq^{le} James Ros of Pettheveles his brother, preiuge nocht him anent his landis, reuerfionis, rowmes, possessionis, steadingis and rychtis quhatfumeuer pertening to his said vmq^{le} brother : And specialie, anent the landis of Pettheveles, and the Reuerfioune thair of quhilk he hes of the samyn : In respect he hes euir remanit, at all tymes bigane, our fouerane lordis trew lege and subiect ; and knew nathing of his said vmq^{le} brotheris doingis nor proceedingis : And pairwpoune askit instrumentis.

High Treason — Raid of Ruthvene, &c.

Aug. 22.—**OLIUER PEIBLIS** of Chapelhill,² **Jeane Thornetoune** his spous, and **James Marschell** of Petcarnis.

The quhilk day, the Kingis grace and thrie Eftatis of this present Parliament continewis the summondis of Treassoune execute and indorfate, persewit at the instance of his Maiestie, his hienes Justice and Mr Daud Makgill his hienes aduocat, tuiching the decerning of thame to haue committit and done certane pointtis of Treassoune and Lese-maiestie : As at mair lenth is contenit in the said summondis rasit pairwpoune, in the samyn forme, force and effect as it is now, but preiudice of partie, vnto the xx day of September nixttocum, with continewatioun of dayes ; and thane farder proces to be hade pairintill as accordis : At the quhilk day ordanes the said aduocat to produce sic wryttis, rychtis, reffones, documentis and vtheris probationis quhilkis he hes or will vse, for prewing of the pointtis of the said summondis aganes thame agane the said day. Quhairwpoune the said aduocat askit instrumentis.

¹ An Act was passed in Parliament, Aug. 22, 'for disheresing of pe posteritie of the personis that ar or salhappin to be convicted of the tressounable attemptat at Striueling.' ² He appears in Parliament, as Commissioner for the burgh of Perth, Jun. 12, 1590, and Mar. 3, 1596.—From Records of Parliament, III, 346.

[*Mr Edward Bruce and Mr William Oliphant, Justices-Deputes.*]

Slaughter.

Jul. 2.—GEORGE THOMESOUN, minister at Innerkip, George Maxwell of Newwerk, Robert Maxwell his ferwand, Johnne Maxwell in Kulroise, Johnne Moresoun in Park, and Arthour Moresoun thair.

Dilaitit of airt and pairt of the crewall slauchter of vmq^{le} Robert Muntgumrie of Skelmurelie, and of vmq^{le} Williame Muntgumrie his sone and appeirand air; committit in Apryle lastwas.

[*Mr Edward Bruce, Justice-Depute.*]

Slaughter.

Jul. 3.—JOHNNE QUHYTEFURDE of that Ilk, Adam Quhytfurde, 3ounger of that Ilk, Thomas Quhytfurde his broder, Robert Muntgumrie of Skelmurelie, Williame Cochrane of that Ilk, Williame Mudy, burges of Paislay, Robert Sempill, burges yair, James Wilfoun, ferwand to the Laird of Cochran, Gilbert Smyth, broder to Andro maister of Sempill.

Dilattit of airt and pairt of the crewall slauchter of vmq^{le} Patrik Maxwell of Stanelie, committit in Januar lastwas.

PRELOQUITOURIS for the Pannell.

The Maister of Eglingtoun, The Maister of Sempill, The Laird of Cauldwall, The Laird of Heiffilheid.
Mr Johnne Scharp, Mr Johnne Skene, Mr Johnne Prestoun,

PERSEWARIS.

James Maxwell of Calderwood, Sir Robert Maxwell of Dinwiddie, Maister David M^cGill of
The Laird of Craigance, The Laird Newark, Nisbet, (King's Advocate,
Johnne Maxwell of Nethir Pook, [Gelis Wallace, The Relict,] for his hienes intres.)

Part of the pannels 'replegeit' to the Regality of Paislay, and the rest continued to the Justice-air of 'Renfrew, tertio Itineris.'

The Laird of Quhytefurde alone was 'put to the knowlege of ane Assyise;' who, 'eftir lang reffoning and deliberatioun had thairof, be the mouth of Robert Lindefay of Dunrod, ffand and declairet the said Johnne Quhytefurde of that Ilk, to be clene and acquit of airt and pairt of the said slauchter.'

[*Mr William Oliphant, Justice-Depute.*]

Abiding from the Host to pass towards Stirling.

Jul. 17.—GILBERT LAWDER of Balbardeis, Williame Lawder, his sone and appeirand air.

Dilaitit for remaining and abyding at hame fra our fouerane lordis oift, raid

and armie, ordanit to haif conuenit at Halirudhous,¹ and thairfra to haif pafst towards Striueling, [for refifting of the treffonabill attemptatis of certane tra-touris and rebellis, quhilkis had tane the faid burcht and Castell of Striueling.]

The quhilk day, the perfonis enterit on pannell, produceit ane Licence, grantit to thame be the Kingis Maieftie and lordis of his hienes Secreit Counsale, exemeand thame fra oiftis, raidis and armeis; quhilk exemptioun is of the dait, at Halrudhous, the xxiiij day of Apryle, 1584.

(Sic fubfcribitur,) JAMES R. HUNTLE, LOCHINWARE.

[*Mr Johnne Grahame, Mr Williame Oliphant, Justices-Deputes.*]

Forgery of Half-Merk Pieces, &c.

Jul. 30.—PATRIK M^cKIE in Quhithillis, broder to Archibald M^cKie of Myretoune.

Dilaittit of the treffonabill cryme of fforgeing, ffeingeing and ftryking of certane fals and adultrit mony, viz. half merkis, xxx f., xx f. and x f. pecis.

Jul. 31.—VERDICT and SENTENCE. The Affyife, be the mouth of Williame M^cCulloch of Myretoune, in ane voce, fylis the faid Patrik M^cKe of art and part of the treffonabill fforgeing, feingeing, counferfuting and ftraking of certane fals and adulterate money, fic as fals half-markis, xl d. pecis, to grit quantitie, callit *Lochmabalies*,² in cumpanye with Lawrence Nicholai Italiane and vtheris thair affiftaris: And he thairfoir adjugeit, be Andro Lyndefay dempfter, to haif foirfaltit and tynt lyfe, landis and guidis, to be applyit to our fouerane lordis vfe, and himfelf hangit to the deid, at the mercat croce of Edinburghe. AND the haill Affyis acquit the faid Patrik of the fenzing of xxx f., xx f. and x f. pecis, *plakkis* and *balbeis*.

[*Mr Johnne Grahame and Mr Edward Bruce, Justices-Deputes.*]

Assisting Earl of Angus in taking Lurg and Castle of Stirling.

Sep. 4.—GABRIELL MERSER of Sawling.

Dilaittit of the treffonabill affifting, art, pairt-taking with Archebauld Erle of Angus, Johnne, fumtyme Erle of Mar, Thomas Lyoun, fumtyme Maifter of Glammis, and vtheris thair complices, in the treffonabill taking of the Burcht and Castell of Striueling, committit in the moneth of Apryle laftbypaft, [and beiging of ane dry-ftane wall befide the fcolehous dure of Striueling; and, furneffing of the faid Castell with men, viuaris³ and munitioun.]

¹ Many similar trials occur at this period; some of them adding, 'and for affifting with Archebauld erle of Angus, Johnne erle of Mar, Thomas Lyoun maifter of Glammis, Johnne Carmichell 3ounger of that ilk, and vtheris thair complices, in the treffonabill taking of the burcht and Castell of Striueling.' ² This word is very doubtfully written, being as like *Lochmalearies* as the above. Perhaps it was some familiar or cant phrase for pieces struck or forged at Lochmaben. ³ Victuals, *viures*.

VERDICT. The Affyise, ' eftir lang reffoning and mature deliberatioun had thairof, be thair delyuerance pronunceit be the mouth of Archebault Prestoun, Chancellare of the faid Affyise, ffand the faid Gabriell to be clene and acquit' of the faid crimes.

[*Mr William Oliphant, Justice-Depute.*]

Incest.

Nov. 21.—GOTHRAY M'CULLOCH of Ardwell.

Dilaitit of certane crymes of Incest, committit be him with Katherine M'Culloch, his broder-dochter; and vtheris crymes contenit in the lettres.

Continued, to the Aire of 'Kirkcudbrycht, tertio Itineris, vel super premonitione xv dierum. Plegio, Jacobo M'Culloch, rectore de Kyrk-Cryft.'

Fire-raising — Breaking of Ward, &c.

Nov. 27.—ALEXANDER JARDINE of Apilgirth, &c.

James Twedie of Drumnelzeare become plege and fouirtie for Alexander Jardine of Apilgirth, Johnne Jardane and James Jardane his breder, Niniane Jardane and Will Bell his seruandis, Williame Jardane, callit *Reid Will*, at the Kirk of Sewerbie, (and) Daud Moffet in Sewirfyde; that thai fall compeir befoir our fouerane lordis Justice or his Deputtis, the third day of the nixt Justice-air of the sherefdom of Drumfreis, quhair thai duell, or foner, quhen and quhair it fall pleis our fouerane loird, vpoun xv dayis warning, and vnderly the law for the tressonabill raising of fyre and birning of the place of Litalgill, perteneng to Dame Jeane Hammiltoun, Ladie Lammingtoun: And for eschewing¹ furth of the Castell of Edinburghe, and breking of the waird thairof; and vtheris crymes contenit in the lettres direct thairvpoun, &c.

Treason — Assisting Earl of Angus, &c.

Dec. 2.—NINIANE NICOLL, in the bray of Cleisch.

Dilaitit of airt and pairt of the tressonabill airt, pairt-taking with Archebault, sumtyme Erle of Angus; Johnne, sumtyme Erle of Mar; Thomas Lyoun, sumtyme Maister of Glammis, and vtheris thair complices, in the tressonabill taking of the burgh and Castell of Striueling, aganis our fouerane lord and his hienes authoritie royall; committit in the moneth of Apryle lastbypast.

Continued to the Justice-air 'of Fyffe, terciio Itineris vel super premonitione xv dierum.' 'Plegio, Henrico Stewart de Rossyth.'

¹ Escaping. See Jun. 5, 1583.

Intercommuning with Earl of Mar and other Traitors.

Dec. 8.—DAUID HOME of Argatie.

Dilaitit of the tressonabill haifing intelligence fra Johnne sumtyme Erle of Mar, Dauid (Erskine) sumtyme Commendator of Dryburgh, our fouerane lordis tratouris declarit, in the ressait of lettres fra thame, at the leift the ane or vther of thame ; and specialie, fra Patrik Home his broder sone, feruitour to Johnne sumtyme Erle of Mar ; quhilkis lettres he ressaueit fra Robert M^cWillie, quhome he ressaueit in his hous, in passing and repassing to thame in Ingland ; committit in the monethis of July, August and September lastbypast.

PERSEWAR, Mr Dauid Makgill of Nisbet, Aduocat.

ASSISA.

George Dundas of that Ilk,	Henrie Quhyt, cordiner thair,	Geo. Craw, portionar of Restoune,
Charles Murray of Cokpale,	Alex ^r Thomefoune, burges of Ed ^r ,	George Smyth, burges of Edin ^r ,
Mathow Stewart of Bavela,	Johnne Moffett, burges thair,	Andro Aytoune, broder to the laird
Robert Grahame of Knokdolaine,	Edward Johnnesoun, burges thair,	of Dinmure.
George Home of Aytoune,	Johnne Gordoun of Petlurg,	
James Inglis, burges of Edin ^r ,	Patrik Creytoune of Lugtoun,	

VERDICT. The Assyse, be the mouth of George Dundas of that Ilk, chancel-lare, Fand the said Dauid Home to be culpabill, fyllit and conuict in contraue-ning of our fouerane lordis Actis of Parliament, in ressait of ane boy callit Rob M^cWillie, and conceling of the lettre fend be him, and schawin be Johnne Ranye, fend fra Patrik Home out of Ingland ; and ressaueing commendationis fra the Abbot of Dryburgh from Ingland, conforme to the said Dauidis depositiounis subscryuit with his hand : LYKEAS alsua, the said Dauid wes fundin to be clene and acquit of the rest of the dittay.

SENTENCE. And thairfoir the dome of forfaitour was pronunceit aganis him be Andro Lyndsay thairefter, that the said Dauid fuld be tane to ane gippet, at the croce of Edinburghe, and thair hangit, quarterit and drawin as ane tratour ; and all his landis, takis, stedingis, rowmes, possessionis and guidis, to be eschete to the Kingis vse.

Praying publicly for the banished Ministers.**Concealing treasonable Correspondence, &c.**

Dec. 8.—MAISTER NICOLL DALGLEISCH, minister at Sanct Cuthbertis Kirk, near Edinburgh.

Dilaitit of the contraueining of our fouerane lordis actis of Parliament in lowing and authorising in his publict prayaris of sic ministeris as ar in Ingland, declarit tratouris ; and for assisting and fortefeing with the saidis declarit tra-touris.

Comperit Mr David Makgill, aduocate to our fouerane lord, and in his hienes name, as perfeware ; and defyrit proces vpoun the Dittay presentlie producit be him in jugement vpoun the said Mr Nicholl, quhilk the aduocatt defyrit to be red to the said Mr Nicoll, in caice he wald obiet ony thing aganis the famin.

The said Mr Nicoll allegeit, that jugement wes deduceit aganis him 3ifterday befor the Kingis Maiestie and lordis of Secreit Counsale, and as appeirit to him conuict be thame and thair woting aganis him ; quhairthrow it is nocht necessar that he be of new accusit in ony vther iugement.—To the quhilk anfuerit the aduocate, that the proceedings aganis him in Secreit Counsale wes *per modum consilij*, and nocht be way of jugement, he nocht being judicialie accusit ; and sua the Justice aucht to proceed aganis him in the said matir in this jugement.

The said Mr Nicoll defyrit to knaw of the Lordis of the Secreit Counsale present, Affesouris to the Justice,¹ quhidder the proceedingis aganis him 3ifterday in Counsale wes *per modum consilij*, or as ane vther jugement : And the saidis lordis, for satisfiactioun of his defyre, declarit the saidis proceedingis to be *per modum consilij*.

INTERLOCUTOR. The Justice, be auise of his Affesouris, Fand be interloquitour, that the proceedingis aganis the said Mr Nicoll 3ifterday the sevint of this instante, in the mater quhair of he wes accusit, fuld nawayis preiuge him in this jugement, bot ordanit him nochtwithstanding thair of, to haif his haill defenssis aganis the Dittay producit : Lykeas, the Justice, vpoun certane allegeances proponit be the said Mr Nicoll, and defenssis vsit be him, as alsua the anfueris maid thairto be the Aduocate, and of the mirknes² of the nycht, continewit the mater in the famin forme, force and effect, as it is now, to the morne : And the said Maister Nicoll in the meantyme to be committit to waird, quhill he be tryit be the personis of Affyis chosin, fuorne, and admittit of befor, alswele vpoun his Affyis as vpoun the Affyis of the said David Home ; and warnit the saidis personis of Affyis to compeir the morne in the hour of caus, to delyuer, *affirmatiue* or *negatiue*, vpoun the poyntis of the said Dittay, ilk persoun vndir the pane of ane hundreth pundis.

Dec. 9.—Dilaitit, &c. ; and for conceling of ane Lettre fend be Mr Walter Baganqwall³ to his wyff, quhilk wes red be the said Mr Nicoll ; and vtheris crymes.

PERSEWARE, Mr David Macgill of Nisbet, aduocat to our fouerane lord.

Compeirit the personis of Affyis vnderwritten, viz. :

ASSISA.

Patrik Creychtoun of Lugtoun,	Geo. Craw, portioner of Restoun,	George Dundas of that Ilk,
Alex ^r Thomesoun, burges of Ed ^r ,	Charles Murray of Cokpull,	Andro Aytoun, brother to Dinmur,
Johne Moffet, burges thair,	Johne Gordoun of Petlurg,	Henrie Quhyt, burges of Edin ^r ,
James Inglis, burges thair,	Robert Grahame of Knokdolan,	Eduart Johnestoun, burges thair,
George Smyth, burges thair,	George Home of Aytoun,	Mathow Stewart of Bavela.

The said Mr Nicoll, eftir diuerse allegeancis proponit be him in presens of the

¹ As was formerly remarked, it was usual for some of the Lords of Privy Council to sit as Assessors with the Justice, especially in cases of Treason. The King himself not unfrequently sat in judgment, and his presence is occasionally noticed in the Record. ² Darkness of the night. ³ Balcanquall.

saïd Justice and his Affesouris, and anfuëris maid thairto be the saïd Mr David M^cGill, aduocat to our souerane lord for his hienes intres, offerit him self in the Kingis Maïesteis will, off the speiking, that ‘ the Ministeris and vtheris wer persecute, and that the Kingis minestrie had spokin thay wordis mycht haif provokit ane Cristiane man to feir ;’ as also of the conceling of ane Lettre direct fra Mr Walter Bucanquall to his awin wyff, quhilk wes red and sene be him, concerning particular commendationis to him.

The Justice, nochtwithstanding that the saïd Mr Nicoll come in the Kingis Maïesteis will, Ordanit the foïrnaminis personis of Affyis, chofin, fuorne and admittit vpoun the saïd Mr Nicollis consent, to proceed to thair delyuerance.

And the saïd Mr David M^cGill, aduocate, Protestit, in respect of the sentence gevin 3isterday vpoun David Home of Argatie in the lyke mater of befoir, that in caice the saïdis personis of Affyis clenge the saïd Mr Nicoll, for Wilfull erreure and tinsale of baith lyffe, landis and gudis.

VERDICT. The Affyis be thair delyuerance, pronunceit be the mowth of the saïd George Dundas of that Ilk, chancellare, ffand the saïd Mr Nicoll Dalglesch to be culpable, fyllit and conuict for speiking that the Ministeris and vtheris wer persecutit, meaning to preve the famin persecution be occasioun of just feir confaut aganis the Ministeris vpoun allegeit speich of the Kingis Maïestie, and sum of his Counsale, quhilk wes cleirlye provin be act of Counsale ; and quhairfoir the saïd Mr Nicoll come in his hienes will : AND alsua, conuictis the saïd Maister Nicoll of conceling of ane Lettre direct fra Mr Waltir Bucanquhall to his wyff, quhilk was red and sene be him, contening particular commendationis to him, confessit be his awin word and writt ; and thairfoir come in his hienes will : AND acquit him of the haill rest of the dittay.

Abiding from the Raid of Stirling.

Dec. 16.—JOHNE HOLMES in Auldwallis, Thomas Patoun in Winterberriehill, and twenty two others.

Dilaitit for remaining and abyding at hame fra our souerane lordis oist, raid and armie, ordanit to haif conuenit at Halirudhous, in the moneth of Apryle lastbypast, and thairfra to haif past towardis the bur^e of Striueling, ffor repressing of the treffonabill attemttis of certane tratours and rebellis, quhilkis had tane the bur^e and Castell of Striueling, and repressing of thair insolences.

ASSISA.

Alex ^r Boyd in Kilmarnok,	Johnne Huntare in Richartoune,	William Burnis thair,
Hew Cuik in the hill of Kilmaris,	Johnne Wallace in Burnebank,	Adam Hog, feruitour to Bargany,
David Hammiltoun of Ladietoun,	Johnne Campbell of Auldornok,	Thomas Tait in Knokindaill,
Johnne Hammiltoun in Grange,	Robert Stewart,	James Cuninghame in Inchegethir.
Thomas Patoun in Castlehill,	Johnne Knox,	
	James Neilsoun in Glasgw,	

VERDICT. The Assyis, be the mowth of the said Thomas Tait, chancellare, ffind the haill foirsaidis personis entirit vpoun pannell to be conuict, culpabill and fyllit for thair remaning and byding at hame fra our fouerane lordis oist, raid and armie, ordanit to haif conuenit at Halirudhous, and thairfra to haif past towardis the bur of Striueling, ffor repreffing of the tressonabill attemptattis of certane tratouris and rebellis quhilkis had tane the burgh and Castell of Striueling.¹

Regrating — Forestalling.

Jan. 20, 1584-5.—**JOHNNE WATSOUN** in Leyth Wynd, Robert Gray in the Cannogait and fifty four others in Cannogait, Leyth and Edinburgh.

Dilaitit of contrauening of the Actis of Parliament for non putting of thair malt to the marcat, and for taking mair betuix the boll of malt and the boll of beir nor² is contenit in the saidis Actis.

Those resident in Cannogait, &c. are 'replegiat' to the Regality of Brochtoune, others to the Regality of Kelfo; and with regard to those resident in Edinburgh, they are 'Remittit to the jurisdiction of the Prouest and bailleis of Edinburgh be resoun of the Kingis Lettres direct to Mr Daid McGill, aduocat, to pas fra thame, and dischairging of the Justice of all calling, unlawing or proceeding aganis the inhabitantis of Edinburgh; quhilk lettres were subferyuit be (the) Kingis Maiestie and Counsale of the dait the xv day of Januar 1584; quhair-vpoun Mr Johnne Scharp askit instrumentis.'

[CURIA JUSTICIARIE, f. d. n. Regis tenta in pretorio de Edinburgh, per Magistros Eduardum Bruce, Joannem Grahame et Willelmum Oliphant, Justiciarios deputatos.]

Raid of Ruthven — Traitorous Conspiracy for seizing the King's person.

Feb. 9.—**MALCOLME DOWGLAS** of Manis, Johnne Cunninghame of Drumquhassill and James Edmestoun of Duntraith.

The quhilk day compeirit personalie in judgement, Maister Daid Makgill of Nisbet, and produceit the Dittayis vnderwritin vpoun the saidis personis, of the quhilkis Dittayis the tennour followis.

JAMES EDMESTOUN of Duntraithis Dittay.—James Edmestoun of Duntruth, 3e ar indyttit and accusit, that contrair 3our naturall dewtie, 3e haveand our fouerane lordis gud countenance as ony vther subiect of this realme of the lyke calling, hes maist vnappilie, vnthankfullie and tressonablie deuifit and consultit with diuerse vtheris 3our complices, viz. Robert Hammiltoun of Inchemachane, Johnne Cuninghame of Drumquhassill, Malcolme Dowglas of Manis, Johnne Muschet and Walter Dowglas in Litill Sauchie, in pe monethis of October, Nouember, December and Januare lastbypast, vpoun the

¹ Various other trials occur at this period for abiding from the same raid, chiefly against sewars and burgesses. ² Than.

plat laid be the sumtyme Erlis of Angus and Mar and pair complices, for pair treffonabill deidis presentlie fugitiues in Ingland, communicat to 3ow be Johnne Home *alias* callit *Blak Johnne*, pair mēfinger, and pe said Johnne Muschet, how his Maiesteis maist nobill persoun at the hunting mycht have bene tane captiue and convoyit to sum strenth in the Illis and bordouris of this realme, or ellis to sum strenth in the Illis of Lochlowmond, quhill the saidis declairit tratouris fugitiues had with thair complices reffaut his maist nobill persoun in pair handis; and conceling of pe famin.

JOHNNE CUNINGHAME of *Drumquhassillis Dittay*.—Johnne Cuninghame of Drumquhassill, 3e ar indytit and accusit, that eftir mony and diuerse treffonabill Conspiraceis, consultit, deuifit, assistit and execute be 3ow and 3our partineris, aganis the Kingis Maiestie and quyet estait of the cuntre evin to pat acceptant (attemptat?) of surpryng of his Maiesteis maist nobill persoun, quhilk wes committit be 3ow and diuerse vtheris 3our treffonabill partakaris in the moneth of August I^m.V^e.lxxxij 3eiris, be taking of his Maiesteis maist nobill persoun captiue in the hous of Ruthvene, caryng of the same about gairdit at 3our pleasour, 3e being present and treffonablie assistit to pe said fact; quhilk beand ouerseen² be his Maiestie, besyde money vtheris treffonabill offensis ouerlukit in 3ow, and 3our honour, lyff and landis spairit be his hienes clemencie, mycht have bene suffecient motioun, to have mouit 3ow to desist fra all sic treffonabill deidis and interpryfis pairefter: Nochtwithstanding of pe quhilk, 3e maist ingratlie and treffonablie, vpoun 3our accusitwmit malicious and vnhappie vnnaturalitie, hes in the monethis of October, Nouember, December and Januare lastwas, treittit, deuifit and consultit ane maist hie and vnhappie Treffoun aganis his Maiesteis maist nobill persoun; quhairby nocht onlie the present estait of this commoun-wealth mycht have bene euertit,² but alsua, gif with 3our and 3our complices saistie his Maiestie culd have bene led captiue to the bordouris of this realme, to have bene reffaut be his declairit tratouris now fugitiues in Ingland, or to sum fortrace or strenth within the Illis of Lochlowmunt in the Leuuenox: Committand pairthrow maist hie and abhominabill Treffoun; and this is trow, and 3e can nocht denye pe famin:—FORDER 3e, in the saidis monethis lastbypast, at the leist in ane or vther of pame, hes confedrit, treittit and consultit with James Edmestoun of Duntraith at diuerse tymes and places, sic as the Kirk of Strablene and at the Kirk of Killerne, vpoune the executioun of the interpryis abouewritin; and hes maist treffonablie concelit the famin vnto the tyme of 3our lait entrie within 3e Castell of Edinbur^t and 3our examinatioun pairin, quhilk wes vpoun the sext day of this instant moneth; quhair 3e, be 3our Depositioun subscryuit with 3our awin hand, as alsua pe said day, being confrontit with the said James Edmestoun, and that 3e knew that Blak Johnne Home wes directit fra the sumtyme Erlis of Angus and Mar and pair complices presentlie for pair Treffoun fugitiues in Ingland, wes be pair message direct to 3ow to propone pe platt for executing of the treffonabill interprisse aboue specifeit. As 3our said Declaratioun, subscryuit with 3our hand, heirwith produceit as ane pairt of 3our Dittay, dois testifie. And this is trew, and 3e can nocht deny pe famin.

MALCOLME DOWGLAS of *Manis Dittay*.—Malcolme Dowglas of Manis, 3e ar indytit and accusit, that eftir mony and diuers treffonabill Conspiraceis, consultit, dewyfit, assistit and execute be 3ow and 3our partinaris aganis pe Kingis Maiestie and quyett estait of pe countrey, quhairfore 3e being laitlie forfaitit, had of his hienes clemencie, obtenit 3oure pardoun, and owerfene in pe bruiking of 3oure landis and heretage: 3it, 3e maist vnnaturalie, vnthankfullie and treffonablie, in pe monethis of October, Nouember, December and Januar lastbypast, hes diuifit, treittit and consultit with diuers vtheris 3oure complices, sic as Robert Hammiltoun of Inchmauchan, James Edmestoun of Duntraith, Johnne Cwninghame of Drumquhassill, Walter Dowglas in Lytill Sauchy and Robert Sempill sumtyme of Roisland, vpoun pe platt laid be pe sumtymes Erllis of Angus and Mar and pair complices, for pair treffonabill deid presentlie fugitiues in Ingland,

¹ Pardoned, overlooked.

² Overturned—Lat. *evertere*.

eftir communicatioun pair of to pe faid James Edmeftoun of Duntraith be Johnne Hwme *alias* callit *Blak Johnne*, ge, in pe monethis foirfaid, consultit, conferrit, tretit and dewyfit with pe faid James Edmeftoun of Duntraith and pe remanent 3our complices aboue writtin, att pe Kirk of Strablane and pe Kirk of Killerne, as also in 3oure hous and place of Manis, quhair pe faid Robert Hammiltoun wes allowit be 3ow to be vpoun pe counfall pair of, and pair dewyfit how his Maieftis maift nobill perfoune mycht att pe hunting be tane captiue and convoyit to fum ftrenth on pe bordouris of pis realme, or ellis to fum ftrenth in pe Iles of Lochlomount, quhill pe faidis declarit traittouris fugitiues had, with pair complices, reffaut his Maieftis maift nobill perfoune in pair handis : And to pe taikin, that pis is trew, ge directit 3oure Lettres heirvpoun with Walter Dowglas of Lytill Sauchy to pe faidis rebellis, declarit traittouris, presentlie in Ingland, and with Robert Sempill, quha being pe messingeris and poistis of pe faidis fugitiues had at pair pleasour, reffett and interteinment at 3oure hous of pe Manis, in pe monethis foirfaidis : And pis is trew, and 3e cawnocht deny pe famin, in respect the faid James Edmeftoun of Duntraith and Robert Hammiltoun of Inchmawchane, presentlie with 3ow, awowit pe fame ; lykeas alwa, James Dowglas and William Johnnstoun 3oure seruandis, in pair Depositiones testifeis the prefens of pe faid Robert Hammiltoun and Laird of Duntraith with 3ow in 3oure awin hous, and refoirt of pe faid Walter Dowglas and Robert Sempill in 3oure faid hous, quha had na vthir occasioun of refoirt to 3oure faid hous bot for pe treffonabill cauffis foirfaidis.

ASSISA.

Willame Lord Hay of gestir,	Patrik Ogilvie of Inchemairtene,	Sir Thomas Stewart of Garne-
. Lord Seytoun,	Patrik Murray of Hangit-schaw,	tullie, kny ^t ,
Thomas Maister of Caffillis,	Johnne Sempill of Fowlwode,	Johnne Gordoune of Pitlurg,
Patrik Houftoun of that Ilk,	Willame Wallace of Ellerflie,	James Meinzeis of Weim,
Johnne Gordoun of Lochinvar, k ^t ,	W ^m Makcullocht of Mortoune,	Willame Hammiltoune of Sorne,
Johnne Murray of Blakbaronie,	Patrik Agnew, Shereff of Wig-	Thomas Kennedie of Barganye,
Robert Grahame of Knokdoliane,	tonne,	 MacFarlan of that Ilk.

VERDICT. The Assyis, be thair delyuerance, pronunceit be the mouth of the faid William Lord Hay of gester, ffand and declarit the faid JAMES EDMESTOUNE of Duntraith, to be culpabill, conuict and fyllit off the vnhappie, vnthankfull and treffonabill treitting and consulting with diuerse vtheris his complices in the monethis of October, Nouember, December and Januare lastwas, vpoun the plat layit be the sumtyme Erlis of Angus and Mar and thair complicis, communicat to him be Johnne Home *alias* callit *Blak Johnne*, the messenger, and Johnne Muschet, quhow the Kingis Maieftis maift nobill perfoune mycht be tane captiue at the hunting and conuoyit to fum ftrenth on the bordouris, or fum ftrenth in the Illis of Lochlowmunt, quhill the faidis declarit Traitouris fugitiues in Ingland had reffaut his maift nobill perfoune in thair handis ; and of the treffonabill conceling thairof conforme to his awin lettre and Depositione fend to the Kingis Maieftie, subfcryuit with his awin hand.—AND siclyk, ffand, pronunceit and declairit the faid JOHNNE CUNINGHAME of Drumquhassill, to be culpabill, conuict and fyllit off the conference, treitting and consulting with James Edmeftoun of Duntraith at diuerse tymes and places, sic as at the Kirk of Strablane and at the Kirk of Killerne, vpoun the taking of the Kingis Maieftis maift nobill perfoun captiue at the hunting, specialie at that

tyme about the taking of David Home of Argatie; quhairby the lordis fugitives in Ingland mycht be releuit and this estait alterit; and of the conceling of the famin; conforme to his Depositionis subscryuit with his hand.—AND rychfwa, ffand, pronunceit and declairit the said MALCOLME DOWGLAS of Manis, to be culpable, conuict and fyllit, that, forfamekill as James Edmestoun of Duntraith hes testefeit vpoun his grit aith, that he declairit to the said Malcolm Dowglas of Manis, that Johnne Home *alias* callit *Blak Johnne*, feruitour to Johnne sumtyme Erle of Mar, proponit to him, the taking of the Kingis Maiesteis persoune at the hunting, amangis vtheris generall conferencis had be thame in the place of the Manis, in presens of Robert Hammiltoun of Inche-mauchane, lykewayis affermit be the said Robert; quhilk purpois, the said Laird of Duntraith lykwayis testefeit, wes refusit altogidder be the said Laird of Manis, and nawayis thocht gud be him; and nochtheles, insafar as the said Laird of Manis hes concelit the famin, and nocht revelit it to the Kingis Maiestie; in ane voice, conuictis the said Malcolm Dowglas of the conceling thair of; and put him thairfoir in the Kingis Maiesteis mercye. In witnes quhair of, the chancellare, in name of the rest Assyffouris, subscryuit the said conuictioun in the Minut buk.

SENTENCE. The famin day, eftir the said conuictioun, the Justice, be the mouth of Johnne Andro, dempftare of the said Court, adiugeit and for Dome gaif, that the saidis Johnne Cuninghame of Drumquhassill and Malcolm Dowglas of Manis suld be tane to ane skaffauld, besyde the mercat croce of Edinburgh, and thair to be hangit, quhill thai wer deid, and quarterit and drawin: And that all thair mouabill and vnmouabill gudis, landis, heretageis, possessionis, takkis, ftedingis, offices, coirnis, cattell, lyfrentis, actionis and all vtheris quhatfumeuir quhilkis pertenet to thame, aucht and suld perteine to our fouerane lord, and to be applyit to his hienes vse, and to remane with him and his successouris for euir, be reffoun of Elcheit and ffoirfaltour.

Murder of Henrie Darnley, King of Scottis.

AT EDINBURGH, within the Tolbuyth of the famin, the xxvj day of Maii, the 3eir of God Im.V. fourfcoir sex 3eiris.

IN PRESENCE of the rycht honorabill SIR LWES BELLENDEN of Auchnowle, knyght, Clerk of our fouerane lordis Justiciarie, MR ROBERT DOWGLAS, prowest of Linclwdene, collectour generall of this realme, DOWGLAS of Quhittingheme, ane of the fenatouris of the College of Justice and PATRIK LETHINGTOUN of Saltcoittis,

(May 26, 1586.)—Compeirit Mr David Makgill 3ounger, Aduocate, substitute to Maister David Makgill of Nisbet, aduocate to our fouerane lord, in

presens of ane honorabill and discreet man, Willaime Litill, Prowest of Edinburghe, and me Maister James Bannatyne, Clerk-depute ordiner, in the office of Justiciarie, noter publict; and produceit ANE COMMISSIOUNE, direct be our fouerane lord, vnder his hienes quarter-feill, off the dait at Halirudhouse, the twentie-fyve day of Maii, the 3^eir of God I^m.V^c. fourscoir sex 3eiris, and of his Maiesteis regne the nyntene 3eir, Makand and constituand his louittis, MAISTERIS JOHNNE PRESTOUNE and EDUARD BRUCE, coniunctlie and feueralie, his hienes Justices in that pairt, to fens and hauld Courtis of Justiciarie, for administratioun of Justice, vpoun MR ARCHEBAULD DOWGLAS, dilaitit and suspect of the crewall, horribill, abhominabill and treffonabill MURTHOUR OF VMQUHILE HENRIE KING OF SCOTTIS of gud memorie, darrest fader to our fouerane lord; and being actuallie present thairat in cumpanie with vmquhile James sumtyme Erll of Bothwell and vtheris his complicitis; the tyme of the committing of the samin in the moneth of Februare, the 3^eir of God I^m.V^c. threscoir sex 3eiris: Defyring the saidis personis to be sworne to minister justice lelilie and trewlie in the said mater, conforme to the tennour of the said Commissioun, law and consuetude of this realme. Quha immediatlie thairefter acceptit the said Commissioun vpoun thame and befoir me notare and witnesses abouewrittin, be haulding vp of thair rycht hand, swoir and gaif thair aithis for ministratioun of justice lelilie and trewlie in the said office of Justiciarie as Justices in that pairt, conforme to the tennour of the said Commissioun, as thai wald ansuer to our fouerane lord thairvpoun; and than incontinent for deduction of forder proces in the said mater, Ordanit thair officiaris of Justiciarie to fens Court, for obedience of the said Commissioun and acceptatioun thairof. Quhairvpoun the said Mr Daud Makgill askit instrumentis of me notare publict and clerk foirsaid.

CURIA JUSTICIARIE, f. d. n. Regis tenta in Pretorio de Edinburghe, vicefimo sexto die Maii anno domini millesimo quingentesimo octuagesimo sexto, per honorabiles et discretos viros, Magistros Joannem Prestoun et Eduardum Bruce, Justiciarios in hac parte dicti f. d. n. Regis, virtute sue Commissionis specialiter constitutos. SECTIS vocatis et Curia legitime affirmata.

IN the quhilk Court the saidis Justices produceit ane Precept direct to thame be the Kingis Maiestie, commanding thame to accept ane Commissioun of Justiciarie vpoun thame, and to put Mr Archebald Dowglas, dilaitit of certane heich poyntis and crymes of Treffoun, to the tryell of ane Inqueist: Off the quhilk Precept the tennour followis.

MAISTERIS JOHNNE PRESTOUNE, EDUARD BRUCE, Aduocattis and Commisseries of Edinburghe, We greit 3ow weill. Forfamekill as, Mr Archebald Dowglas is to be presentit vpoun pe xxvj day of Maij instant in pe Tolbuyth of Edinburghe, to be tryit vpoun certane heich poyntis of Treffoun, concerning pe murthour of our maist darrest fader; and to pe effect pe mater may be pe bettir tryit we have directit our Commissioun vnto 3ow, creating and substituand 3ou our Justices in pat part, to pe effect contenit in pe said Commissioun. Thairfoir it is our will and We charge 3ow straitlie, and

commandis, that immediatlie efter þe fycht of þir presentis, 3e accept the said Commiffioun in and vpoun 3ow, gif 3our aith for administratioun in þe said Commiffioun and put þe said mater to þe tryell of ane Inqueist, and do justice þairinto, according to the lawis of þis realme, but ony forder delay; as 3e will eschew our indignatioun. Subfcriuit with our hand att Halirudhous, þe xxv day of Maii 1586.

JAMES R. P. MAISTER OF GRAY. LINCLUDEN.

Treasonable Conspiracy—Murder of King Henry Darnley.

Comperit personalie on pannell the famin day, in presens of the saidis Jugeis,

May 26.—Mr ARCHEBAULD DOUGLAS, Parfoun of Glasgw.¹

Dilaitit of the horribill, crewall, vnnaturall and treffonabill murthour, slauchter and paricide of vmq^{le} our fouerane lordis darrest fader, Henrie King of Scottis of gude memorie, and vtheris crymes; committit at the tyme and in maner at lenth vnderwrittin.

The famin day, compeirit Mr Daud Makgill, aduocat, substitut to Maister Daud Makgill of Nisbet, aduocat to our fouerane lord, in his hienes name, as perseware; and exponit and declarit, that he had ressauit ane speciall Warrant and command, direct fra the Kingis Maiestie, chairgeing him to persew the said Mr Archebault, of the crymes aboue specifeit; quhilk he produceit in jugement, and defyrit the famin to be insert in proces; quhairof the tennour followis.

‘ REX.

‘ Aduocat and 3our substitut, we greit 3ow hairtlie weill. Forfamekle as we have appoyntit þe xxvj day of Maii instant, for presenting of Mr Archebault Dowglas, persone of Glasgw, to vnderlie our lawis, for airt and pairt consulting, treitting and executioun of þe maist horribill slauchter and murthour of our vmq^{le} darrest fader of gude memorie, We command 3ow, with all conuenient speid, to tak informatioun, be all meanis possibill, for accusatioun of þe said Mr Archebault of þe treffonabill crymes foirfaidis; and þat 3e persew him thairfoir þe said day appoyntit, or ony vtheris dayis pairefter to follow, be ane condignne Affyis, quhill he be ather foule or cleane² of the crymes foirfaidis: ffor the quhilk this present salbe to 3ow sufficient warrant. Subfcriuet with our hand att Halirudhous, þe xxiiij day of Maij, and of our regne the nyntene 3eir, 1586.

‘ JAMES R.’

As also produceit in jugement, in presens of the saidis jugeis, Letteris direct for fummoning of ane Affyis to this day, vpoun the said Mr Archebault; quhairby ane sufficient nowmer of Affyis is fund. Quhilkis letteris ar of the dait, att Edinburghe, the xxiiij day of Maij, and of our fouerane lordis regning, the nyntene 3eir, 1586. Togidder with the Dittay, quhairof he is to be accusit: Offering him reddie to persew the said Mr Archebault of the famin, and crymes contenit thairin. Of the quhilk, the tennour followis.

¹ He was cousin to Regent Morton, and was also one of the Ordinary Lords of Council and Session. Reference is made to Mr Arnot's Collection for a narrative of facts relative to this shameful and collusive trial. The acquittal of the Parson of Glasgow has justly been attributed to the unprincipled intrigues of Patrick Master of Gray, and of Randolph the English ambassador. See also Moyse's Memoirs, &c. ² Until he be found guilty or else acquitted.

DITTAY against Mr Archibald Dowglas, Parson of Glasgow.

Maister Archebauld Dowglas, persoun of Glasgw : 3e are inditit and accusit, that in the monethis of Januar and Februlare, the 3eir of God I^m.V^c. threscoir sex 3eiris, 3e being accompaneit with James sumtyme Erle Bothwell, James Ormestoun sumtyme of pat Ilk, Robert *alias Hob* Ormestoune his faderis broder, Johnne Hay sumtyme of Talla, Johnne Hepburne callit Johnne of Bowtoun and diuerse vtheris 3our complices, craftelie and secreitlie conspyrit amangis 3our selfis, deuyfit and malicioullie consultit, treitit and concludit þe maist schamefull, detestabill and vnnaturall murthour and paricide of our fouerane lordis darrest fader of gude memorie, Henry King of Scottis, spous for þe tyme to his hienes darrest moder Marie, then Qwene of Scottis ; and þat within þe burch of Edinburghe, Palice of Halirudhous, and vtheris places pairabout : And to þe end that 3e mycht bring 3our wickit and execrabil attempt bettir to pas, 3e with þe remanent personis afoir nammit, be 3our selfis, 3our ferwandis, complices and vtheris in 3our names, of 3our cawfing, command, airt, pairt-taking, assistance and ratihabitoun, vpoun þe tent day of þe said moneth of Februlare, att twa houris eftir midnycht or pairby, come to þe lugeing besyde þe Kirk of Field, within þe said bur^t of Edinburghe, quhair our said fouerane lordis fader wes ludgeit for þe tyme ; and pair, be way of hamefuckin, briganrie¹ and foirthocht felony, maist wyildlie,² vnmercifullie and treffonablie, flew and muredrest him, togidder with Williame Tailzeour and Andro Makcaig, his cubiculeris,³ quhen as thay, bureit in sleip, wer takand þe nychtis rest, brint his lugeing foirsaid, and rasit þe samin in the air, be force of gun-pulder, quhilk a little afoir wes placeit and unput be 3ow and 3our foirsaidis vnder þe ground and angulare stanis,⁴ and within þe woltis in laich and darnit⁵ places to þat effect : And quhairthrow, 3e haif incurrit þe panis of Lese-maiestie, and fuld be pwneist pairfoir in all rigour, be tinsale⁶ of lyff, landis and guidis, and extinctioun of fame, titill, honour and memorie, conforme to þe lawis of þis realme. Lyke as, þe haill personis, specialie afoir nammit, 3our complices and conspiratouris with 3ow in þis treffonabill cryme, as pai culd be apprehendit, pai sufferit maist schamefull deid pairfoir, according to þair deseruingis. ITEM, 3e ar indyttit and accusit for þe treffonabill Conspiracie of þe said detestabill deid and murthour of our said fouerane lordis vmq^{le} darrest fader, the samin being oppinit⁷ to 3ow be þe said vmq^{le} James sumtyme Erle of Bothwell, and vtheris chief Conspiratouris, quhairas of dewtie 3e wer obleist to haue reueleit þe samin, quhilk gif 3e hed done, the said maist abhominabill, schamefull and crewall interpryse of þe said

¹ *Briganderie.* O. Fr.
⁵ Concealed, hidden.

² Vilely, basely.
⁶ Loss, deprivation.

³ Grooms of the bed-chamber.
⁷ Revealed, disclosed.

⁴ Corner-stones.

murthour had bene impeidit, and our said fouerane lordis darrest faderis lyff, be gude meanis, had been preferued : And pairfoir, your said foirknawlege and conceling in ane cryme sa haynous and tressonabill, wes neir alyke and equall to be committing of be deid : And pairfoir, ze aucht to be pwneist in lyff, landis, fame and honour, as said is.—To be TAKIN¹ that ze war airt and parte, consultare, treittare, deuyfare and executer of be said tressonabill, horibill, cryme and murthour, ze wer actuallie present pairat, and execut be samin with your awin handis, vpoune be said tent day of Februare, at twa eftir mydnycht, quhair, by be preisse and thrang of peple, the tyme of be executioun of be said murthour, ze tint your mwlis,² quhilk being fundin vpoune be morne at be same place, wer acknowlegeit to haif bene youris. And ze wer euir pairefter in griter familiaritie with be said vmq^{le} James sumtyme Erle of Bothwell, be be participatioun of be said abhominabill tressoun with him, to be effect that ather of zow mycht mainteine and support vtheris in your wickit deidis. And this is maist notorlie knawin, and ze can nocht deny.—To be mair³ takin : Quhen ze wes to be attintit befoir our fouerane lord and the lordis of his Secreit Counsale, for be said abhominabill tressoune, vpoun be first day of December, 1580 zeiris, ze gat secreit intelligence pairof, and nocht being habill to abyde be law pairof, bot findand yourself maist giltie pairof in your conscience, ze wer fugitiue furth of this realme to be pairtis of Ingland, quhair ze remanit diuerse zeiris paireftir ; planelie takand vpoune zow be said abhominabill cryme : Lyk as, schortlie paireftir, in be moneth of Nouember, 1581 zeiris, ze wer foirfaltit for be said cryme. As be proces of foirfaltour beiris.—To be mair³ takin : your maist familiare serwand, vmq^{le} Johnne Binning, quha for airt and pairt-taking with zow in be said abhominabill and tressonabill cryme, wes conuict and put to death, in be moneth of Junij, 1581 zeiris foirsaid, being ofttymes tryit⁴ vpoune your pairt pairof, fermelie and constantlie deponit that ze wer airt, pairt, deuyfar and executour of be said abhominabill murthour ; and pat ze wer actuallie and in proper person pairat ; quhairat also he abaid and tuk be samin vpoun him, in presens of be haill pepill bystanding, at his executioun.—To be mair takin : Vmquhile James Erle of Mortoune, eftir his conuictioun and befoir his death, nocht onlie confest, that he himself foirknew be said horribill murthour, bot als, that ze your self wes be reweillare pairof vnto him : And forder, pat ze wer actuallie at be executioun of be samin, as is maist notourlie knawin : Quhilk ze can nocht deny.

THE said Mr Archebould, anfuerand to the Aduocat vpoun the Dittay produceit aganis him, as yit nocht red in his presens ; desyrit of the Justices that

¹ In token, proof, or testimony.

² *Mullis*, 'a kind of slippers without quarters, usually made of fine cloth or velvet, and adorned with embroidery.' Dr Jamieson. They are afterwards described as 'welwat mulis' in the course of the trial.

³ Further.

⁴ Examined, probably upon torture.

the famin mycht be red, befor thair entrie to forder proces, that he mycht anfuer thairto, for defence of his lyff. Quhairvnto thai condiscendand, and for fatiffeing of his defyre, caufit reid the famin oppinlie in jugement. Quhilk being red, he acceptit as it wes confaut, and offerit himself reddie to anfuer to euerie poynt, quhen he fuld be accusit befor the Affyis be the famin. And for his bettir defence, vfit and producit ane Warrant direct be the Kingis Maieftie to the Justice, for admissioun of his lawfull defenffis. Quhairof the tennour followis.

‘REX.

‘JUSTICE, Justice-Clerk, and your deputtis, we greit you weill. Forfamekill as we haif appoyntit you xxvj day of this instant, for tryell of Mr Archebald Dowglas, of certane crymes of Lese-maieftie, to be laid to his charge, befor you, in the Tolbuyth of Edinburghe; and albeit it be our mynd that you said mater be handillit according to our honour and the lawis of this realme, yet we intend nawayis that ony reffonabill defence or moyen be tane away fra you said Mr Archebald, quhilk may be competent to him, ather of equity or ellis be our saidis lawis. Thairfoir it is our will, and we charge you, that you hauld Court you said xxvj day of Maij, and put you said Mr Archebald to the tryell of ane inqueist, vpoun sic heidis and articles of lese-maieftie as falbe gevin in Dittay; admittand neuerthles to you said Mr Archebald, his haill lafull defenffis, far as the famin may be competent to him. Subfcriuit with our hand att Halirudhous, the xxvj day of Maij, and of our regne the nyntene geire, 1586.

(Sic subfcribitur)

‘JAMES R.’

Efter the production of the quhilk Warrant, and reffait thairto be the Justice, the said Mr Archebald, leinning to his innocencie, but¹ defyre of ony prolocutour to speik for him in this caus, alleget, that the secund poynt of Dittay, tuiching the foirknawing and conceling of the said murthour, aucht nocht to be put to the knowlege of ane Affyis, be reffoune, that our fouerane loird, of his frie mercie and grace, had grantit to him his hienes Remiffioun for the famin: Quhilk Remiffioun he producit in jugement, and tuik him thairto. Of the quhilk the tennour followis.

LETTERS OF REMISSION *in favor of Mr Archibald Dowglas.*

‘JACOBUS Dei gracia rex Scotorum. Omnibus probis hominibus suis, ad quos presentes litere peruenerint, Salutem. Sciatis, quia ex nostris specialibus gracia et misericordia, Remissimus tenoreque presentium Remittimus, dilecto nostro Archibaldo Dowglas, vni ordinariorum dominorum Consilij et Sessionis, pro omnibus criminibus, transgressionibus et prodicionibus, per ipsum Archibaldum, aliquo tempore ante datum presencium, cuiuscunque grauitatis ac qualitis sint commissi, (conspiracione tamen, consilio, tractacione, arte, parte et executione, horribilis et detestabilis murthure nostri quondam charissimi patris tantummodo exceptis;) pro quibus dictus Archibaldus, cognitioni nostrorum legum subditus erit: Prouiso quod dictus Archibaldus precognitione et conclatione dicti horribilis murthure nullo modo oneratus sit; ad quod, Nos, pro diuersis grauibz consideracionibus Nos mouen., volumus et concedimus, quod dicta Remissio extendatur; et quod in eadem comprehendatur omnis offensio et crimen que dicto Archibaldo pro sua allegata precognitione et conclatione dicte horribilis murthure vt dictum est imputari possint. Et supra, dictum Archibaldum, sub firma pace et protectione nostra,

¹ Without.

fufcipien. firmiter inhibemus, ne quis ei occasione predictorum criminum, transgressionum et prodictionum omnium antedict. (exceptis prius except.) malum, molestiam, iniuriam aut grauamen aliquod inferre presumat iniuste; super nostram plenariam fforiffacturam; aut ad mortem ei inferat, sub pena amissionis vite et membrorum. In cuius rei testimonium, has literas nostras Remissionis, pro toto tempore vite prefati Magistri Archibaldi duraturas, sub nostro magno sigillo, sibi fieri fecimus patentis. APUD Halirudhous, vicesimo primo die mensis Maii, anno domini millesimo quingentesimo octuagesimo sexto et regni nostri decimo Nono.'

Quhilk Remission being redd oppinlie in jugement, and confidderit be the saidis Justices, they fand and pronunceit, that the secund pairt of the foirsaid Dittay, concerning the foirknawlege and conceling of the Murthour foirsaid, in respect thair of, fuld nocht be put to the tryell of ane Assyis. Quhairvpoun the said Mr Archebald askit instrumentis.

And the said Mr Archebald altogidder denyit the first pairt of the said Dittay, offering himself to the knowlege of ane condignne Assyis for the famin, wes ordanit be the saidis Juges to be put to the tryell of the personis vnderwrittin, summond vpoun his Assyis, be vertew of our fouerane lordis lettres.

ASSISA.

Patrik Maister of Gray,
James Coluile of Eifter Wemis,
Robert Logane of Restalrig,
Andro Gray of Dunnynald,
Andro Logane, younger of Cotfeild,

Gilbert Gray of Baldarran,
Mr Samuel Cokburne of Tempilhall,
George Home of Spott,
Patrik Johnnestoun, 3ounger of
Elphinstoune.

And becaus the remanent personis of Assyis, summond, be vertew of the saidis Lettres, to this day, being oftymes callit, compeirit nocht, and wer amerciati thairfoir, the said Mr Archebald schortlie thaireftir producit ane Warrant and Precept, direct be our fouerane lord to the Justices and Aduocatis substitut foirsaid, Ordaning thame to supplie the nowmer of the absentis with sic gentillmen as mycht be gottin summond, ather within the burcht or at the bar: Quhilk Precept the said Aduocat, for his Warrant, desyrit to be insert in proces; quhair of the tennour followis.

'REX,

'JUSTICES and our Aduocat and 3our deput, We greit 3ow weill. We understand pat Mr Archebald Dowglas is enterit presentlie on pannell, and that his tryell stayis becaus pat sic personis as ar summond vpoun his Assyis compeiris nocht, and pat pair laikis 3it sum personis of ane perfyte nowmer. Therfoir, it is our will that, according to pe lawis of our realme, and prattick of 3our court, 3e supplie pe absentis with sic gentillmen as 3e may get, ather within our burcht of Edinburghe, or within pe bar, and caus pame be sworne vpoun pe said inqueist, to pe effect pe said mater ressaue na langer delay; keipand this Precept for 3our Warrant. Subscryuit with our hand, att Halirudhous, pe xxvj day of Maij, 1586.

(Sic subscribitur.)

'JAMES R.'

Lyke as, the saidis Jugeis, ffor obedience of the said Precept, caufit be thair officiar, ane of our fouerane lordis messingeris summond the personis following to

pas vpoun the said Mr Archebauldis Affyis, for compleating of ane full nowmer. Thay ar to say,

REMAINDER OF THE ASSISE.

Williame Ker of Ancrum, 3ounger,
Mr Robert Fawfyde, 3ounger of that Ilk,
James Logane of Parsonif-knowis,
George Hammiltoun of Prestounne,

Alexander Baillie of Litol-Gill,
Gawin Carmichell of Wrichtislandis,
Andro Ker of Grenheid,
Walter Ker, brother to the said Laird of Greneheid.

Quhilkis personis being callit and compeirand befor the saidis Justices, wes admittit be the said Mr Archebauld to pas vpoun his Affyis, with the remanent personis aboue writtin, for tryell of his innocencie in the said caus, and joynit be the Justices to the remanent of the nowmer admittit vpoun the said Affyis of befor : and thai all sworne be thair grit aithis, to delyuer vpoun the poyntis of the said Dittay, conforme to the ordour and consuetud of this realme, ordourlie be thair names.

And immediatlie efter the chesing and admitting and sueiring of the hail foirnamit personis of Affyis in jugement, as vse is, and the said Mr Archebauld Dowglas being judiciallie accusit of the horribill, detestabill and treffonabill crymes contenit in the first poynt of the Dittay foirsaid, the famin being denyit be him *simpliciter*, oppinlie, in presens of the saidis Jugeis ; and referrit to the tryell and knowlege of the foirsaidis personis of Affyis ; the said Aduocat-substitut, for the bettir instructioun and verefeing of the said Dittay and takinnis thairof, produceit thair, instantlie, the proces of ffoirfaltour led and deduceit aganis him for the famin in the Parliament hauldin and begun at Edinburghe the day of 1581 3eiris.

To the quhilk anfuerit the said Mr Archebauld ; and *ffirst*, to the first takin of the said Dittay, declairing that ‘ in þe preis and thrang of þe pepill þe tyme of þe executioun of þe said murthour that he tint his mwlis, quhilkis being fund vpoune the morne, wer acknawlegeit to haif bene his ;’ that the famin wes altogidder vntrew ; desyring the famin to be verefeit, be ony persounis quha wer present at the finding of the saidis mwlis, or had sene the famin at ony tyme thairefter ; and that the famin can nawayis appeir, be the Depositionis and declaratioune of the said vmq^{le} Johnne Binning, deponing, that the said Mr Archebauld his maister, past in ane secreit¹ and steilbonnett, armit, to the committing of the said horribill cryme, quhairby the passage betuix his lugeing and the place quhair the said murthour wes committit, being nawayis meit to ane persoun armit, to pas with welwat mulis to sic ane deid ; and nawayis lyklie, be gud appeirance nather, that na sic thing wes fund ; and the said takin, to be bot an allegiance.—*Secundlie*, anfuerand to the secund takin of the said Dittay,

¹ A shirt of mail privately worn under the usual dress.

makand mentioun, that ' quhen he wes to be attemptit,¹ befoir our fouerane lord and the lordis of his hienes Secreit Counsale for the said abhominable Tref-soune, vpoun the last day of December, the 3eir of God I^m.V^c. and fourescoir 3eiris, getting intelligence pairof, wes fugitiue furth of this realme to the pairtis of Ingland for the famin, and that he schortlie thairefter, in the moneth of (Nov.) 1581 3eiris, wes foirfaltit for the said cryme ;' exponit and declarit, that the occasioun of the absenting of him self of the realme wes throw just ffeir, quhairvnto ony persoun wald haif bene mouit, his gudis, geir, rowmes and possessionis being intromettit with, befoir ony atteiching : Lyk as, he schortlie efter his passing furth of the realme, being informit that he wes dilaitit of the said horribill cryme quhairof he wes innocent, safare as the famin come to his knowlege, the Quenis Maiesties of Inglandis Ambassadour being in Scotland for the tyme, in his name, offerrit to present him to the Kingis Maiestie, that he mycht be tryit of the said cryme, swa that² thair wer deput vn suspect Jugeis and personis of Assyis : Quhairvnto his hienes anfuerit, that he wald nocht indent with his subiect. And as for the proces of ffoirfaltour produceit, the famin can be na witnes nor takin to conuict him of the said cryme, in respect our fouerane lord had grantit vnto him, his hienes Letteris of Rehabilitatioun, annulling the said sentence of ffoirfaltour, and declairing and decerning the famin, to be of na force nor effect, als weill in jugement as outwith, aganis him. Quhilkis Letteris he produceit in jugement, for verefeing of the said allegiance as the famin vnder the Grit Seill, off the dait at Halirudhous the xxj day of Maii, the 3eir of God I^m.V^c. fourfcoir sex 3eiris, and of our fouerane lordis regne the nyntene 3eir, at mair lenth beiris.

Anfuerit the Aduocat, that the saidis Letteris of Rehabilitatioun can nawayis tak away the proces of ffoirfaltour, the famin stand vnreduceit ; and referrit the famin to be confidderit be the Assyis. And forder, for verefeing of the said Dittay, and thrid takin thairof, maid vpoun the said Johnne Binningis Declaratioun and Deposition ; produceit thre of the said Johnne Binningis Depositionis, maid thairanent, in presens of the Lordis of our fouerane lordis Secreit Counsale : The first, maid at Edinburgh the tent day of Maii, fourescoir ane 3eiris, (1581) in presens of the Erle of Argyll, Chancellare, the Erle of Arrane, the Erle of Montrois, the Lord Ruthven, Mr Robert Creychtoun of Eliok, Aduocat, and Alexander Hay, Clerk of Register, subscryuit be the said Erle of Arrane and Alexander Hay : The secund, of the dait the ellevint day of Maii, in presens of the Erle of Arrane, the Erle of Montrois, the Laird of Bargany, the Laird of Arkinglase, the Gudman of Manderstoune and the Clerk of Register,

¹ Attainted, forfeited.² Provided.

subferyuit be the haill personis abouewrittin, auditouris to the saidis Depositionis : The thrid, daitit at Edinburghe the xv day of Maii, the 3eir of God I^m.V^c. fourescoir ane, in presens of the Erlis of Arrane and Montrois, the Lard of Arkinglas, subferyuit be the saidis Erlis of Arrane and Montrois and the Clerk of Register : ffermelie and constantlie deponing that the said Mr Archebald past to the deid-doing, the said Johnne Binning and Thomas Gairner his serwandis being with him in cumpanie, and that the said Mr Archebald wes actuallie thairat. And forder, producit thre vthir Depositionis, the ane maid be vmq^{le} James Ormestoune sumtyme of that Ilk, the vther be vmq^{le} Johnne Hay sumtyme of Tala, 3ounger, and the thrid maid be vmq^{le} Pareis, Ffrenchman.

Anfuerit the said Mr Archebald thairto, first, that the said vmq^{le} Johnne Binningis Depositionis can mak na thing aganis him, confiddering the famin ar altogidder variant and contrarious ; in the self-sam-tyme declairing, that he wes past to his bed, the nycht of the committing thairof, and that the said vmq^{le} Johnne past furth of his chalmer to his awin dwelling hous to his bed, quhair he restit quhill the said abhominabill Murthour wes committit; and heiring the crak¹ of the blawing of the Kingis hous in the air with powder, rais and come to his said Maisteris chalmer, quhair he fand him lyand in his bed, reidand on ane buk : and in ane vther pairt of his saidis Depositionis, declairing, that the said Mr Archebald, efter that he had slepit in his awin chalmer that nycht of the committing of the Murthour, nane being with him bot the said Johnne and Thomas Gardner, and quhen it wes lait, past to the committing of the famin, accompaneit with thame, out at his bak 3et ; quhilk is contrarious :² And declairing lykewayis, that vpoun the morne thairefter, he conuoyit the said Mr Archebald to the Tolbuyth, quhilk culd nocht stand, seing the tyme of the committing thairof wes vpoun the Soneday befor ffastinis-ewin, in the tyme of Vacance, quhen the Lordis fittis nocht, and that he wes nocht vpoun the Sessoun at that tyme ; and thairfoir desyrit the contrarieties of the saidis Johnne Binningis Depositionis to be confidderit be the saidis personis of Affyis, and thame to cognos thairin, to the bettir trying of his innocence : And ficlyk alleget, that the said vmq^{le} Johnne wes nawayis his serwand the tyme of the committing of the said horribill Murthour, nor 3it come in his seruice be the space of twa 3eiris thaireftir.

Quhairvnto the said Aduocat anfuerit, that the Depositionis of the said vmq^{le} Johnne Binning wer sufficient to testifie the said Dittay to be trew, seing in the haill heidis thairof he aggreis the said Mr Archebald to be participant of the said treffonabill and vnnaturall Murthour.—To the quhilk, anfuerit the said

¹ Report.² Contradictory.

Mr Archebault, That the saidis Depositionis, can not be sufficient to verifie the said Dittay, seing the said vmq^{le} Johnne wes bot *singularis testis*, quhilk *in civilibus*, culd nocht be habill to preif ony actioun of geir, far-les *in criminalibus*, to tak away anie mannis lyff: And as to the fferd takin of the said Dittay, allegeit maid vpoun the Confessioun of vmq^{le} James sumtyme Erle of Mortoun, anfuers, that na sic Depositionis wer produceit in jugement nor zit to the Assyis; and thairfoir desyrit thame to have respect thairto, specialie in consideratioun that the said takin beiris that the said vmq^{le} Erle of Mortoune, eftir his convictioun and befoir his death, confessit that he him self foirknew the said horribill Murthour, as also that the said Mr Archebault wes the reuelare thairof to him, and actuallie at the executioun of the famin; and geveand and nocht grantand that the said Deposition had bene maid, zit the famin can testefie na thing aganis him; becaus of the law the Depositionis of ane conuict and condempnit persoun can nawayis be ressaute to beir testimonie aganis ane vther. And forder, anfuers to the Depositionis of vmq^{le} James Ormestoune sumtyme of that Ilk, vmq^{le} Johnne Hay of Talo and vmq^{le} Pareis, Frenchman, that the famin makis na thing aganis him, na mentioun being maid of him in ony of thair Depositionis; bot that the famin serues rather to the bettir instructioun of the personis of Assyis of his innocence: And fforder, the said Mr Archebault acceptit the saidis Depositionis of the saidis vmq^{le} Johnne Hay, Pareis, Frenchman, and Laird of Ormestoun; and repeitit thame for his justificatioun, anent that pairt of the Dittay, quhairin wes allegeit, that he conspyrit with thame and vmq^{le} James sumtyme Erle of Bothwell, vpoun the tressonabill Murthour foirsaid, be ressaute the contrair planelie appeirit be the Depositionis of the saidis personis; quhairin wes contenit the haill maner of the actuall doing of the deid be thame felfis and vtheris thair complices, and na mentioun maid of him; nather culd it appeir that he onywayis had knowlege thairof; desyring the personis of Assyis to reid and confidder the famin befoir ony delyuerance or writting.—Anfuersit the said Aduocate, that the Depositionis of the said vmq^{le} Johnne Binning ar sufficient to instruct the said Dittay, togidder with the notorietie of the said deid, seing the said vmq^{le} Johnne abaid thairat to the hour of his death: And as for the said vmq^{le} James Erle of Mortounes Depositionis, the famin ar mair nor notoure to the personis of Assyis and to the haill cuntrie, and neidis na forder productione: And thairfoir, in respect of the notorietie foirsaid, protestit, that in caice the saidis personis of Assyis clenge and acquit the said Mr Archebault of the said horribill and crewall Murthour, for Wilfull errour: Vpon the quhilk he askit instrumentis.

COMPEIRIT the famin day, Sir Williame Stewart of, sone lawfull to Andro Lord Stewart of Vchiltrie, as neir coufing and kinnisman to our

fouerane lord, and protestit, that in respect the said Mr Archebald standis convict in Parliament of airt and pairt of the horribill and treffonabill Murthour and slauchter of the said vmq^{le} Henrie King of Scottis, fader to our fouerane lord, that in caice the saidis personis of Assyis clenge him thairrof, for Wilfull Errour; and gif he sal happin to be fund culpabill heirefter of the samin, that his hienes sal haif sufficient actioun of Errour aganis thame. Quhairvpoun he lyke wayis askit instrumentis.

And the said Mr Archebald protestit in the contrair, in respect of his answeris and defenssis foirsaidis, and that the Kingis Maiestie hes tane away the said sensment¹ of Parliament be his hienes Lettres of Rehabilitatioun aboue writtin, produceit in proces, of the dait foirsaid, annulling the said sensment: Quhairvpoun he askit instrumentis.

VERDICT. And immediatlie thairefter, the saidis personis of Assyis aboue writtin, chosin, sworne and admittit, as said is, remouit thame selfis furth of the said Court, for thair bettir delyuerance vpoun the poyntis of the said Dittay, and being altogidder conuenit, chuse and admittit Patrik Maister of Gray in Chancellor of the said Assyis; quha, efter lang reffoning had be thame vpoun the said Dittay, takinnis and Depositionis produceit, defenssis and answeris maid thairto; thay and ilkane of thame, being ryplie auisit thairwith, all in ane voice, but² discrepance, votit, fand and delyuerit the said Mr Archebald Douglas, persoun of Glasgw, to be clene and acquit of his being in cumpany, in the monethis of Januer and Februer, the 3^{er} of God I^m.V^c. threscoir and sex 3^{er}is, with vmq^{le} James sumtyme Erle of Bothwell, vmq^{le} James Ormiston of that Ilk, vmq^{le} Johnne Hay sumtyme of Talo, vmq^{le} Johnne Hepburne callit of Boltoun and diuerse vtheris thair complices, craftelie and secreitlie conspyring amangis thame, deuising and maliciousslie consulting, treiting and concluding the maist schamefull, detestabill and vnnaturall Murthour and paricide of vmq^{le} our fouerane lordis darrest fader vmq^{le} Henrie King of Scottis of gude memorie, spous for the tyme to his hienes darrest moder Marie then Qwen of Scottis; and that within the toun of Edinburghe, palice of Halirudhouse and vtheris places thairabout; and for the bettir performing of the said wickit and execrabill interpryse and attempt, be him self and vtheris in his name of his cawfing, airt, pairt-taking, assistance and ratihabitoun, cuming to the ludginge besyde the Kirk of Feild within the said bur^t of Edinburghe, quhair the said vmq^{le} Henrie King of Scottis our fouerane lordis darrest fader wes lugeit for the tyme, vpoun the tent day of the said moneth of Februar, the 3^{er} of God foirsaid, at twa houris efter midnycht or thairby; and thair be way of briganrie, hamesuckin and foirthocht felony, maist wyldlie, vnmercifullie and treffonablie mordreiffing

¹ Sentence, finding, judgment.

² Without.

and slaying of him, togidder with vmq^{le} William Tailzeour and Andro M^cCaig his cubicularis, quhen as thai, bureit in sleip, wes takand the nychtis rest, birning his ludgeing foirsaid, rafing of the famin in the air be force of gwn-powlder, quhilk a litill ofbefoir wes placeit and unput be him vnder the grund and angulour ftanis, and within the woltis and laich and darnit placis to that effect. And being re-enterit agane in jugement in presens of the saidis Justices, be the mouth and declaratioun of the said Patrik Maister of Gray, Chancellor of the said Assyis, pronunceit the said Maister Archebault to be Acquit of the Dittay foirsaid and crymes contenit thairin: Quhairvpoune the said Mr Archebault Dowglas askit instrumentis.

PROTEST by the Assise, that they should not be liable in Wilful Error.

AND immediatlie thairefter the said Patrik Maister of Gray, Chancellare of the said Assyis, for himself and in name and behalf of the remanent personis Assyfouris abouewrittin, askit instrumentis, that the Depositionis of the saidis vmq^{le} James Ormiston of that Ilk, vmq^{le} Johnne Hay of Talo and vmq^{le} Pareis, Frenchman, maid na mentioun of the said Mr Archebault, nor contenit na thing aganis him: And in respect thair wes na thing producit for verefeing of the said Dittay, quhairby the saidis personis of Assyis mycht haue bene perswadit to have delyuerit vtherwayis nor is abouewrittin, except the Depositionis of vmq^{le} Johnne Binning, quhilkis ar bot ane witnes, and altogidder variant and contrarious in the self, nor zit was the said Dittay sworne nather be the Aduocat nor na vtheris his informaris; and that the proces of ffoirfaltour led in Parliament aganis the said Mr Archebault is tane away be the Kingis Maiesteis Letteris of Rehabilitatioun, and that na Depositionis of the said James sumtyme Erle of Mortoune wes producit befor thame for fortefeing of the said Dittay, and that the said takin of Dittay bure the said vmq^{le} Erle of Mortoune to haif deponit efter his conuictioun: Thairfoir, confidering thai haif delyuerit efter thair knowleg, protestit that thai suld incure na Wilfull Errour in ony tymes heirefter. Quhilk instrumentis and protestatioun thay, efter thair re-entrie agane in jugement in the said Court of Justiciarie, cawfit be oppinlie red of new in presens of the saidis Justices: and thairvpoune the said Patrik Maister of Gray, Chancellor, for himself and in name and behalf foirsaid, of new askit instrumentis, and protestit in maner abouewrittin.

THE famin day, Sir Archebault Naper of Edinwillie (Edinbelly) knyght, Sir Johnne Edmestoun of that Ilk, George Home of Wedderburne, Alexander Dalmahoy of that Ilk, Mowbray of Barnebugall, Francis Dowglas of Borg, Thomas Ottirburne of Reidhall, George Home of Broxmyth, Robert Lord Seytoun, Patrik Congil of that Ilk; oftymes callit to have compeirit befor our Justice or his deputtis, the saidis day and place in the hour of caus, to haif past vpoun the Assyse of the said Mr Archebault Dowglas, dilaitit of airt and pairt of the slauchter of our fouerane lordis darrest fader of gud memorie; lawfull tyme of day biddin, and the saidis personis nocht compeirand to the effect foirsaid; thay and ilk ane of thame wer thairfoir amerciit in the pane of Fourtie pundis.

[*Mr Johnne Grahame, Justice-Depute.*]

Abiding from the Raid of Dumfries.

May 22, 1587.—JOHNNE SKOWGALL of that Ilk, (*plegio, Capitane Lauderdale,*) Patrik Hepburne of Kirklandhill,¹ (*plegio, M. Pat. Hepburne de Smetoun,*) Alexander Aitchefoun of Gosfurd, (*plegio, Thoma Marioribankis de Ratho,*) Thomas Marioribankis of Ratho, (*plegio, Alexandro Aitchesoune de Gosford,*) William Hepburne in the Nungait² [of Hadingtoun?] (*plegio, domino Abbate de Jedburghe,*) Johnne Sydsarf of that Ilk,³ Gawin Dundas of Breiftmylne, James Cochran of Barbachla, Robert Bruce of Binning, James Stewinfoun of Hirdmanscheillis, Johnne Hammiltoun of Eist Binning,⁴ James Rois in Tretrewin,⁵ (*plegio, Alexandro Hume de Denis,*) Mungo Tennent in Quhytkirk, (*plegio, Jacobo Rychesoun de Smetoune,*) Henry Sinclar of Quhytkirk, (*plegio, eodem Jacobo,*) Daud Monypenny of Pilrig,⁶ (*plegio, Georgio Logane portionario de Boningtoune,*) George Logane portioner of Bonyngtoun,⁷ (*plegio, domino Pilrig,*) Johnne Woulf of Wadelie,⁸ Williame Skirvene of Plewlandhill,⁹ Alexander Tod in Dirltoun, (*plegio, Alexandro Robesoun ibidem,*) Alexander Robefoun thair,¹⁰ (*plegio, Alexandro Tod ibidem,*) Daud Dundas in Brigend, (*plegio, Joanne Dundas de Newlistoune,*) George Bissett in Eistfeild, (*plegio, eodem [Joanne,]*) James Veitch of that Ilk,¹¹ (*plegio, Archibaldo Galloway in Langnudrie,*) George Barroune in Auld Listoune,¹² Daud Horsbur^t in Wester Garntoun, (*plegio, domino Innerleyth,*) Archebault Douglas of Stanypeth,¹³ (*plegio Josepho Dowglas de Poumferstoune,*) James Tennent of Lennox,¹⁴ [Linhouse?] (*plegio, Josepho Dowglas ad satisfactionem,*) Alexander Creychtoun of Drylaw,¹⁵ (*provin to be in the north the tyme of the proclamation,*) Alexander Creychtoun of Newhall,¹⁶ (*nocht subiect to the raid be his aige,*) Alexander Michelsoune of Mortoune,

¹ Thir twa defyrit to be replegeit to the Regalitie of Sanct Androus be Mr Johnne Arthour, and continewit to last of Maij. ² Vltimo Maij. ³ Dischargeit be resoun of his aig. ⁴ Ad Remissionem f. d. n. regis. ⁵ Vltimo Maij. ⁶ Defyrit to be replegeit to Halyruidhous, be the Justice Clarkis consent, vltimo Maij. ⁷ Replegiat. ⁸ Provin to be feik the tyme of the raid and dischargeit. ⁹ Dischargeit for his gret aig. ¹⁰ Vltimo Maii. ¹¹ Thir defyrit to be replegeit to Torphechin be Mr Johnne Grahame, Justice-Deput, and continewit to the last Maij. ¹² Dischargeit and past fra. ¹³ Defyrit be the Erll of Angus to be replegeit to Dalkeyth. ¹⁴ In voluntate. ¹⁵ Past fra. ¹⁶ Dischargeit.

Johnne Stewinfoune of Hirdmanfcheillis,¹ Frances Boirthuik in Bancreif,² (*plegio, Joanne Boirthuik eius filio cum seipso coniunctim et divisim ad satisfactionem*,) Johnne Boirthuik his sone,³ Mr Patrik Hepburne of Gilmertoune, (*plegio, Georgio Carkettill, burgen. de Edinburghe*,) and Wauchop of Kaikmure, (*plegio, M. Patricio Hepburne de Smetoune*.)

Dilaitit for contravening of our fouerane lordis Proclamatioun, in abyding fra the Raid appointit to follow our fouerane lord to Dumfreis, vpoun the ferd of Apryle laftwes.

PRIVILEGES of *Burgesses of Edinburghe, as to Abiding from Raids, even though dwelling furth of the Burgh.*

Compeirit Mr Johnne Scharp, for the faidis Alexander Aichefoun and Thomas Marioribankis, and alledgeit, that thay aucht nocht to be put to the knowledge of ane Assyis, for abyding fra the Raid, becaus thay ar burgeffis of Edinburghe, and stent, watcht and waird with the burgeffis thair of, quha past nocht in proper perfoun in to the Raid, bot fend men att the Kingis defyre, and wer stentit to that effect; of the quhilk stent, thai payit thair pairt: And lyke as, the said remanent Burgeffis could nocht be trublit for abyding fra the said Raid, nane⁴ could thay.

The Aduocat anfuerit in the contrair, and allegeit that the seruice of thair perfounes aucht to be tane quhair thay remane,⁵ and becaus thay remane out of the bur^t, and hes landis lyand out of the bur^t quhair thay remane, ewin as thair landis ar subiect to ane stent by⁶ the stent of the bur^t; ewin fwa thair personis fould serue quhene the King makis his Proclamatioune.

The Justice continewis Interloquitour to the last day of Maij instant.

(May 31.)—INTERLOCUTOR *anent Burgeffis duelland out of Edinburghe.*

THE Justice findis be Interloquitour, that the faidis Alexander Aichefoune and Thomas Marioribankis fall nocht be put to the knowledge of ane Assyis, in respect of the alledgiance proponit be thame, that thay wer burgeffis of Edinburghe, and that thay stentit and skattit⁷ with the toune thair of. And this Interloquitour to extend in tymes past.

Henry Sinclar of Quhytekirk and George Logan portioner of Boningtoune affoilzeit,⁸ becaus thair moderis are lyfrenteris of their landis. James Veitch of that Ilk, George Barroune in Auld Listoune, David Dundas in Brigend, George Bissett in Eistfeild, affoilzeit, becaus thay haif nocht ffywe oxgangis⁹ of land. Alexander Tod in Dirltoune and Alexander Robefoun thair, affoilzeit, becaus thay haif na heretage.

¹ Ad remissionem. ² Voluntate. ³ Dischargeit be the Justice becaus the sone and father ar nocht bayth subiect to the Proclamatioun. ⁴ Neither. ⁵ Dwell, have their residence or place of abode. ⁶ Over and above, besides. ⁷ Paid assessment and taxations. ⁸ Absolved. ⁹ Ploughgates, ox-gates.

The remainder of the cases continued to the Justice-aire of Edinburghe, 'tercio Itineris, vel super premonicione xv dierum.'

Slaughter.

May 23.—ARCHIBALD MAXWELL, brothir to the Gudman of Dinwiddie, Williame Maxwall his sone and David Maxwall his seruand.

Dilatit of airt and pairt of the crewall slauchter of vmq^{le} Robert Maxwall of Cowestanis, committit in Junii 1583.

Continued to the Justice-air of 'Dumfries, tertio Itineris, (vel super premonitione) xv dierum ; per Preceptum regis.'¹

Treason—Counterfeiting King's Stamp, &c.

May 23.—PATRIK MAISTER OF GRAY.

Comperit Mr David M^cGill of Nisbet, Aduocat to our fouerane lord, and produceit the Dittay after specefeit and desyrit proces ; of the quhilk the tennour followis.

DITTAY against the Maister of Gray..

PATRIK MAISTER OF GRAY, 3e ar indytit and accusit, that 3e haif laitlie, within þe space of þis 3eir bypast, writtin, delt and travellit to France, for findrie materis preiudiciall to þe Religioune presentlie profest be our fouerane lord and his subiectis ; and therefore, to haif had libertie of conscience, or otherwyis to fy (say) forme of Religioune, to haif bene vfit att ewerie manis awin appittite within þe realme ; incontrair þe tennour of þe Actis of Parliament ; incurrand pairthrow the panis contenit in þe famin. *Secundlie*, Indytit and accusit, that during þe tyme foirsaid, he hes intendit to deill with sum personis in France, that be pair moyane, throw his informacioun, oure foueranis mariage with þe King of Denmarkis dochtir (being ane deid honest and lauchtfull in presens of God and men) mycht haif bene stayit ; takand thairthrow vpoun him, without ony warrand, forder thane becumit ane subiect of his dewtie to haif done ; speciallie, in that his intencion tendit to þe hindrance of þe Kingis mariage, being ane act proffitabill to þe commoun welth of þis realme. *Thryddie*, Indytit and accusit, for þe vndewtifull wryting of lettres, concerning the estait of his Maiestie and þe realme, in England ; without his Maiesteis knowledge or command ; thairthrow, exceding far þe dewtie of ane subiect. *Ferdlie*, Indytit, that he has travellit in materis quhilk mycht haif destroyit the estait of þis realme, quhilk trawell, gif it had tane effect, his Maiesteis persoun mycht haif bene indangerit, committing pairthrow the cryme of Tressoune. *Fyftlie*, Indytit,

¹ Plegio, Roberto Maxwall de Dinwiddie milite.

for counterfitting of þe Kingis stamp,¹ and putting of þe famin to ane letter writtin with his Maieſteis awin hand, without his command or auctoritie to do þe famin; and ficlyke, for retening and keping of þe famin stamp in his handis. *Saxtlie*, Indytit for diuers and findrie vtheris offences and crymes of Treſſoun, alreddie declarit and confeſt be him to his Maieſteis ſelf; quhair of he is gilty; quhilk he can nocht deny. Lyke as, the haill pointis of Dittay aboue writtin ar of veritie, as he can nocht deny þe famin, nor na pairt pairof.

The ſaid Patrik Maifter of Gray offerit himſelf and become in oure ſouerane lordis will and mercie for the ſaidis crymes.

Slaughter—Hamesucken.

Aug. 30.—THOMAS BONKLE, cuitlar, burges of Edinburgh.

Dilaitit of airt and pairt of the felloun and crewall ſlauchter of vmq^{le} Peter Heriot, induellar in Leyth, brother germane to James Heriot of Trabroune; committit be way of Hamefuckin, within the toune of Leyth, vpoun the xxix day of Auguſt inſtant.

PERSEWAR, James Heriot of Trabroune.

VERDICT. The Aſſyis, being purgeit of partiall counſall, chofin, ſworne and admittit, and the ſaid Thomas being accuſit be Dittay, of the cuming be way of Hamefuckin to the ſaid vmq^{le} Petir Heriotis duelling hous in Leyth, and ſetting vpoun him foirnent the 3ett² thairof, with ane drawin ſword, quhairwith he maiſt crewallie and ſchamefullie ſlew (him); vpoun ſett purpois and proviſioun, &c.; ſſand, pronunceit and declarit the ſaid Thomas Bonkle to be ffylit and convict of the ſlauchter of the ſaid vmq^{le} Petir.

SENTENCE. The Juſtice ordanit the ſaid Thomas Bonkle to be tane to the toune of Leyth, and thair, at place appointit, his heid and rycht arme to be ſtrukin fra his bodie; and all his movable guidis to be eſcheit and inbrocht to oure ſouerane lordis uſe, for the ſaid cryme. This dome pronunceit be James Niſbett, dempſtar of Juſtice Courtis.

Slaughter.

Jan. 23, 1587-8.—ARCHBALD M^cBRAIR of that Ilk.³

Dilatit of airt and pairt of the ſlauchter of vmq^{le} Archibald Newall, burges of Drumfreis; committit in (the firſt day of) Apryle laſtbypaſt.

PERSEWAR, Mr Daud M^cGill of Niſbet, Aduocat.

PROLOQUITOUR, Mr Thomas Craig.

The Juſtice, be Interloquitour, repellit the haill defenſſis proponit 3eſterday,

¹ The King's *caſhet*, or *cachet*, a device invented to relieve his Maieſty from ſubſcribing ſo many official writs. This is ſtill in uſe in Scotland in the caſe of ſignatures, and other official writs, formerly requiring the King's ſign manual. The caſhet is now in the cuſtody of the Keeper of the Great Seal. ² Gate. ³ See Jul. 2, 1588.

contentit in the Minute-buik and proces proponit for the said Archbald M^cBrair, in respect of the anfuer maid thairto be the Aduocat, and ordanit him to be put to the knowlege of ane Affyife.

ASSISA.

George Dundas of that Ilk, Adam Wallace, merchand thair, Thomas Inglis, portionar of Auld
John Lewingstoune of Belstane, Peter Cowdene, thair, Liffoune,
Johnne Gordoune of Culquha, James Henderfoun, thair, William Naipar of Wrychtishouffis,
Johnne Maidland of Auchingaffill, Mathow Stewart of Bewelaw, Mungo Russell, burges of Edin^r,
Willame Wallace of Johnstoune, Johnne Maure, burges thair.

VERDICT. 'The Affyfe, be thair delyuerance, pronunceit be the mouth of George Dundas of that Ilk, Chancellor, ffand and declarit, the said Archbald M^cBrair to be convict and fylit, as culpable and giltie of airt and pairt of the slauchter of the said vmq^{le} Archbald Newall; and clangeit him of ony Murthour, and the circumstance, viz. the casting of him in the watter of Neth,' &c.

SENTENCE. To be tane to ane scaffeld befyde the mercat-croce of Edinburghe, and thair his heid strikin fra his body; and all his movable guidis to be escheit to our fouerane lordis vse, as convict of the slauchter of the said vmq^{le} Archbald.

Hurting and Wounding.

Feb. 9.—HOBIE NISBET, vagabund.

Dilatit of the hurting and wounding of George Park, crealman, duellare in Eifter Fairny, in his hind-heid; and for taking of his purs fra him, with ten poundis money thairin; committit the xvij day of Januar lastbypast, betuix Kingorne and Bruntyland.

The said Hobbie come in the Kingis Will for the said cryme, and ressauit thairin be the Justice; and committit to waird within the Tolbuith of Edinburghe.

[*Mr James Wardlaw, Justice-Depute.*]

Cattle-stealing.

Mar. 25, 1588.—JAMES DALGLEISCH in Blacok,¹ Nicoll Bryden in Kittifcleuch.²

Dilatit of certane pointis of Thift, viz. The said James for the inbringing of Daid Elliot callit *the Carling*, Hobbie Elliot callit *Hob Billie* and vtheris thair complices, commoun thewis, to the landis of Halbyre, beside the Lone-ftane; and steling furth thairof of ten kye; committit in October 1581; and vtheris pointis of thift contentit in the lettres. The said Nicoll Brydin dilatit for the

¹ Plegio, Jacobo Adamfoun, burgen. de Edinburghe.

² Plegio, Joanne Adamfoun, burgen. ibidem.

thifteous inbringing of Hobbie Armstrang callit *the Pett*, William Howatsfoun in Bowthink. Walter and Hobbie Armstrang callit *Helenes Hobbie* and vtheris thair complices, to the landis of Freirtoun, pertening to the Laird of Corstorphin, and for the thifteous steling furth thairof of ane broun meir, with the haill infycht, guidis and geir, and vtheris crymes of thyft contenit in the lettres.

The persounes on pannell askit instrumentis of thair entrie, and that thay offerit thame reddie to abyde the tryall of ane Affyis, for the saidis crymes, and all vtheris specifeit in the lettres; dissassenting to ony continewatioun: Protesting, in respect that na partie, nor the Aduocat, comperit nocht to persew, that na lettres be grantit aganis thame in tymes cuming.—Continued to the Justiceaire of Edinburghe, ‘3^o Itineris, vel super premonitione xv dierum.’

[*Mr Johnne Grahame, Justice-Depute.*]

Fire-raising — Burning of the Place of Pitmeddene.

Maii 17.—WILLIAM LESLIE in Lytill Warthill,¹ Adam Watt at the Mylne of Westhall, Williame Lessell, messinger at the Kirk of Inch, Michael Leslie in the Inch of Warthill, Patrik Leslie, sone to James Leslie, burges of Abirdene.²

Dilatit of airt and pairt of the tressonabill Birning of the Place of Pitmeddene, togidder with the haill infycht guidis and geir being thairin, to the availl of ffyve thousand markis, pertening to Alexander Abircrumbie of Pitmeddene; committit in March lastbypast.

PERSEWARERS.

Alexander Abircrumbie of Pitmeddene,
Mr David McGill, Aduocat.

PRELOQUITOUR for the pannell.

The Erll of Bothwell,	The Lord Hwme,
The Coronall Stewart,	Mr Thomas Craig,
Mr Alexander Lindfay,	Mr Alexander King.

It wes alledgeit be the pannell, that na proces can be led aganis thaim, feing it is lycht³ that thay haif committit Tressoun, in birning of the said hous of Pitmeddene; and that all persounes committeris of tressoune, sould be summond vpoun fourtie dayes wairning, and that thay ar nocht summond vpoune fourtie dayes wairning; thairfore na proces.—The Aduocat past fyrst fra that pairt of the lybell, makand mentioun of the Tressoune; and anfuerit, that proces sould be had aganis thame, in respect of ane Act of Parliament, maid in King James the Fyft tyme, in the quhilk it is provydit, that ffyre-raising sould be summond as Slauchter.

The Justice continewit Interloquitour to the morne.

¹ Plegio, Normando Leslie, burgen. de Abirdene.

² Plegio, Domino Hume.

³ Luce clarior.

Hamesucken — Fire-raising, &c.

May 17.—WILLIAME LESLIE, apperand of Warthill.

Comperit Williame Leslie, apperand of Warthill, and exponit and declarit, that he vnderstuid that he wes speciallie contenit in the Lettres rasit at the instance of Alexander Abircrumbie of Pitmeddene, Robert and James Abircrumbie his sonis, for summondng of him, to haif fund cautioune, that he sould haif comperit this day and place, and vnderlyne the law, for cumming be way of Hamesukkin, accompaneit with Johne Leslie, apperand of Torquhane and diuers vtheris personis, his complicis, specifeit in the saidis vtheris lettres, assaging of the said Place of Pitmeddene; and for the tressonabill raising of ffyre thairin, and birning and distroying of the said place, togidder with the hail infycht guidis and geir being thairin, pertening to the said Alexander Abircrumbie, to the awaill of fyve thowfsand markis money; committit vpoun the penult day of March lastbypast.

And albeit, he wes nathir summond, be vertew of the saidis letteris, to find cautoun, nathir zit fand he cautioune for this comperance this day and place, to vnderly the law for the crymes aboue writtin; zit nochtwithstanding he, for tryall of his innocencie, comperit and offerit him reddie to abyde the tryall of ane Affyis for the saidis crymes; disassenting to ony continewatioune, and requyrit of the said Alexander Abircrumbie of Pitmeddene, gif he wald insist in his persute thairfore: Quha declarit att the bar, in presens of the Justice, that he knew the said William Leslie to be innocent of the crymes aboue writtin; and thairfore wald desist fra all pursueing of the said William. Quhairvpoun the said William askit instrumentis.

May 18.—The Justice ffindis be Interloquitour, that the Lettres rasit be the said Alexander Abircrumbie aganis the personis thairin now on pannell, (William Leslie of Little Warthill being absent), sould be putt to ane Affyise, nochtwithstanding the alledgance proponit be thame ziftirday.

In consequence of only nine persons of Affise appearing, continued to the Justice-aire of 'Abirdene, 3^{tio} Itineris, xv dierum.'

Sorcery — Witchcraft — Incantation, &c.

May 28.—ALESOUN PEIRSOUN in Byrehill.

Dilatit of the pointis of Wichcraft eftir specifeit.

ASSISA.

David Dalgleisch, maltman in	Johne Hegie, maltman thair,	Robert Meluile thair,
S ^t Andros,	Thomas Lentrene thair,	Alexander Blak thair,
David Guidlett, maltman thair,	Florence Strang in Carnpykis,	Alexander Maltman in Anstruthir,
Charles Watfoun, notar thair,	George Kinzeow thair,	Thomas Kinzeow, baillie in Pittin-
Thomas Rekie, maltman thair,	James Chaipplane in Pittinweyme,	weyme.

VERDICT. The said Alefoune, being put to the knowlege of ane Affyis of the personis aboue writtin, wes conuict be thair delyuerance, of the vsing of Sorcerie and Wichcraft, with the Inuocatioun of the spreitis of the Dewill; specialle, in the visioune and forme of ane Mr William Sympfoune, hir coufing and moder-brotheris-sonne, quha sche affermit wes ane grit scoller and doctor of medicin, that haillit hir of hir diseis in Lowtheane, within the toun of Edinburghe, quhair scho reparit to him, being twell zeiris of aige; and thair cuming and ganging be the space of sewin zeiris, quhen scho wes helpit of hir seiknes, quhilk scho had quhan hir poistee¹ and power wes tane fra hir hand and fute; continewing thairby in familiaritie with him, be the space foirsaid; dealing with charmes, and abusing of the commoun people thairwith, be the said airt of Wichcraft, thir diuers zeiris bypast.—(2.) ITEM, for hanting and repairing with the gude nyctbouris and Quene of Elfame,² thir diuers zeiris bypast, as scho had confest be hir depositiounis, declaring that scho could nocht say reddelie how lang scho wes with thame; and that scho had freindis in that court quhilk wes of hir awin blude, quha had gude acquaintance of the Quene of Elphane, quhilk mycht haif helpit hir: bot scho wes quhyles weill and quhyles ewill, and ane quhyle with thame and ane vthir quhyle away; and that scho wald be in hir bed haill and feir, and wald nocht wit quhair scho wald be or the morne: And that scho saw nocht the Quene thir sewin zeir: And that scho had mony guid freindis in that court, bot wer all away now: And that scho wes sewin zeir ewill handlit in the Court of Elfane and had kynd freindis thair, bot had na will to visseit thame eftir the end: And that itt wes thay³ guid nyctbouris⁴ that haillit hir vnder God: And that scho wes cuming and gangand to Sanct Androus in hailling of folkis, thir faxtene zeiris bypast.—(3.) ITEM, conuict of the said airt of Wichecraft, in sa far, as be hir Depositione scho confest that the said Mr Williame Sympfoun, quha wes hir guidschire-sonne,⁵ borne in Striuling, his fader wes the Kingis smyth, lernit hir craft, quha wes tane away fra his fader be ane mann of Egypt, ane gyant, being bot ane barne, quha had him away to Egypt with him, quhair he remanit to the space of tuell zeiris or he come hame agane; and that his fader deit in the meane tyme for opining of ane preift-buik and loking vponne it: And that the said Mr Williame haillit hir, sone eftir his hame cum-

¹ *Poustie, potestas.* ² The brownies or fairies, and the Queen of Faery, (*q. d. elf-hame?*) ³ These.

⁴ 'In the hinder end of Haruest, on All-Hallowe'en, When our Good-neighbours does ride, if I read richt, Some buckled on a buneward and some on a bean, Ay trottand in troupes from the twilight; Some faidled a she-ape, all grathed into green, Some hobland on a hemp-stalk, hovand to the hight; The King of Pharie and his Court, with the Elf Queen, With many elfish Incubus was ridand that night. There was an Elf on an ape, an wafel begat, Into a pot by Pomathorne; That bratchart in a buffle was borne; They fand a monster on the morn, War faced nor a cat.'

Flyting against Polwart, Watson's Coll. Part III. p. 12.

⁵ Grandfather's son, paternal uncle. He is called 'hir coufing and moder-brotheris-sonne,' above.

ing.—(4.) ITEM, that scho being in Grange-mure, with the folkis that past to the Mure, scho lay down feik alane; and thair come ane man to hir, cled in grene clathis, quha said to hir, ‘Gif scho wald be faithfull, he wald do hir guid;’ and that scho feing him, cryit for help, bot nane hard hir; and thane, scho chargeit him, ‘In Godis name and the low he leuit one,’ that if he come in Godis name and for the weill of hir faull, he sould tell: Bot he gaid away thane, and apperit to hir att ane vther tyme, ane lustie mane, with mony mene and wemen with him: And that scho fanit hir and prayit, and past with thame fordir nor scho could tell;¹ and saw with thame pypeing and mirrynes and gude fcheir, and wes careit to Lowtheane, and saw wyne punchounis with taffis with thame: And quhene scho tellis of thir thingis, declarit, scho wes fairlie tormentit with thame: And that scho gatt ane fair straik, the fyrst tyme scho gaid with thame, fra ane of thame, quhilk tuke all the poistie² of hir car fyde fra hir, the mark quhairof wes blae and ewill faurrit;³ quhilk mark scho felt nocht, and that hir fyde wes far war.⁴—(5.) ITEM, that scho saw the guid nychtbouris mak thair sawis,⁵ with panis and fyris; and that thay gadderit thair herbis, before the sone ryfing, as scho did: And that thay come verry feirfull⁶ sumtymes, and fleit⁷ hir verry fair, and scho cryit quhene thay come: And that thay come quhyles anis in the aucht dayes, and quhene scho tauld laft of it, thay come to hir and boiftit⁸ hir, saying, scho sould be war handlit nor ofbefoir;⁹ and that thaireftir thay tuke the haill poistie of hir fyde, in sic soirt, that scho lay tuentie oulkis¹⁰ thaireftir: And that oft tymes thay wald cum and sitt besyde hir, and promesit that scho sould newir want, gif scho wald be faithfull and keip promeis; bot, gif scho wald speik and tell of thame and thair doingis, thay sould martir hir: And that Mr Williame Sympfoun is with thame, quha haillit hir and teichit hir all thingis, and speikis and wairnis hir of thair cuming and fauldis hir; and that he was ane 3oung man nocht fax 3eiris eldar nor hirsellf; and that scho wald feir quhene scho saw him;

¹ ‘Ane carling of the Quene of Phareis, That ewill-win geir to Elphyne careis,
Through all Braid-Albane scho hes bene, On horsbak on Hallow-ewin;
And ay in feiking certayne nyghtis, As scho sayis, with fur fillie wychtis;
And names out nychtbouris sex or sewin, That we belevit had bene in heawin.
Scho said scho saw thame weill aneugh, And speciallie gude *Auld Balcleugh*,
The Secretare and fundrie vther; Ane *Williame Symfone*, hir mother brother,
Whom fra scho hes refavit a buike, For ony herb scho lykis to luikie:
It will instruct hir how to tak it; In saws and fillubs how to mak it;
With stoness that mekill mair can doe, In Leich-craft, whair scho layis them toe.
A thowsand maladeis scho hes mendit. Now being taned and apprehendit,
Scho being in the Bischopis cure, And keipit in his Castell sure,
Without respect of warldlie glamer, He past into the Witchis chalmer.’

Legend of the Bischop of St Androis, p. 321.

² *Pouftee*, *potestas*, viz. took the power of her left side from her. ³ Discoloured and ill-looking.
⁴ Worse. ⁵ Salves, ointments. ⁶ Modern Scotch, ‘fearsome,’ frightful. ⁷ Terrified.
⁸ Boasted, rated, scolded, threatened. ⁹ She should be worse handled than formerly. ¹⁰ Twenty weeks.

and that he will appeir to hir selff allane before the Court¹ cum ; and that he before tauld hir how he wes careit away with thame out of middil-eird : And quhene we heir the quhirll-wind blaw in the fey, thay wilbe commounelie with itt, or cumand sone thaireftir ; than Mr Williame will cum before and tell hir, and bid hir keip hir and fane hir, that scho be nocht tane away with thame agane ; for the teynd of thame² gais ewerie zeir to hell.—(6.) ITEM, of hir confessioun maid, That the said Mr Williame tauld hir of ewerie seiknes, and quhat herbis scho fould tak to haill thame, and how scho fould vse thame ; and gewis hir his directioun att all tymes : And in speciall, scho said, that he tauld hir, that the Bischop of Sanct Androus³ had mony seikneffis, as the trimbling fewer,⁴ the palp,⁵ the rippillis⁶ and the flexus ;⁷ and baid hir mak ane saw⁸ and rub it on his cheikis, his craig, his breift, stommak and fydis : And siclyke, gaif her directiounis to vse the zow mylk,⁹ or waidraue¹⁰ with the herbis, claret wyne ; and with fume vther thingis scho gaif him ane fottin¹¹ fowll ; and that scho maid ane quart att anis, quhilk he drank att twa drachtis, twa findrie dyetis.¹²

¹ Before the Court of Elfame. ² A tithe, or tenth part of them. This singular part of the prevailing superstition, the Editor has seldom before met with. It suggests a strange idea of a kind of intermediate state of existence, maintained by the 'guid nichtbouris,' through the medium of evil spirits ; and for this extraordinary privilege, they were annually *decimated*, or forced to pay tithe to 'Sathanas,' their lord paramount. The *wallydraigles* of this foul nest were no doubt pitched upon for payment of the annuity, and Maister Williame was jealous of the fate of his unfortunate relative, Alisoun. In the introduction to the Tale of Young Tamlane, Sir Walter Scott remarks, 'This is the popular reason assigned for the desire of Fairies to abstract young children, as substitutes for themselves in this dreadful tribute,' (paying the kane, or teind, to hell.)

'Then I would never tire, Janet, In Elfish land to dwell ;
But aye at every seven years, They pay the teind to hell ;
And I am fae fat and fair of flesh, I fear 'twill be mysell !'

The Editor begs to refer the reader to the Essay 'On the Fairies of Popular Superstition,' in *The Border Minstrelsy*, edit. 1821, vol. ii. p. 109.

³ The celebrated Patrick Adamsone, Archbishop of St Andrews, 'summus Papanorum hostis, inter quos delituit extremo vite dispendio' ! That such a character as his grace should have stooped to take advice of a poor witch for the cure of his bodily infirmities, appears strange indeed. ⁴ Fever and ague.

⁵ Palpitation at the heart ? ⁶ Weakness in the back and loins. ⁷ Probably the flux. ⁸ Salve.

⁹ Ewe-milk. ¹⁰ Perhaps the herb woodroof ? ¹¹ Sodden. ¹² A pretty decent draught for an Archbishop ! The claret and capon would prove more acceptable to his grace than oceans of ewe-milk, and such like potations. In that cutting satire, 'The Legend of the Bischop of St Androis,' his trafficking with Witches is thus recorded.

— 'Sic ane seiknes hes he tane, That all men trowit he had bene gane ;
For leitchis mycht mak no remeid, Thair was na bute to him bot deid.
He feing weill he wald nocht mend, For Phetaniffa hes he fend,
With Sorcerie and Incantationes, Raifing the Devill with invocationes,
With herbis, ftanis, bukis and bellis, Menis memberis and fouth-runing wellis ;
Palme-croces and knottis of strease, The paring of a preiftis auld tees ;
And in *principio* focht out fyne, That vnder ane alter of ftane had lyne
Sanct Jhones-nutt and the foure-levit claver, With taill and mayn of a baxter aver,
Had careit hame heather to the oyne, Cuttit off in the cruik of the moone ;
Halie water and the lambe beidis, Hyntworthe and fourtie vther weidis :
Whairthrow the charming tuik sic force, They laid it on his fat whyte horse.
As all men saw, he sone deceifit : Thair Saga slew ane faikles beast.
This wald not serve ; he fought ane vther, Ane devill duelling in Anstruther
Exceeding Circes in conceatis, For changene of Wliffes meatis,' &c.

SENTENCE. The particulars of the procedure which took place in Court, and of the sentence pronounced against this unhappy woman, are not inserted in the Record: There is merely a marking in the margin of the Record, 'Conuicta et Combusta.' The scene of her suffering was likely the Castle-hill of Edinburgh, where, after being 'wirreit at ane staik,' she would be 'brint in affis.'¹

Slaughter.

Jun. 22.—ADAM CREYCHTOUN, fear of Ruthvennis.

Being enterit on pannell as becam in our fouerane lordis will of before in ane Court of Justiciarie, hauldin in the tolbuith of Edinburghe, the xxij day of Maij lastbypast, for certane crymes, viz. the slauchter of vmq^{le} James Creychtoun att the mylne of Ruthvennis, committit in the moneth of Februar lastbypast, and vmq^{le} Tyrie of Drumkilbo, committit in the moneth of December 1581 3eiris; his hienes temperand justice with mercie, for certane respectis moving his Maiestie be his Precept, &c. Ordanit the Dome eftir following, to be pronunceit aganis him.

'REX,

'JUSTICE, Justice-Clark and 3our Deputes: We greit 3ow weill. Forfamekle as Adam Creychtoun ffear of Ruthvennis, being callit and persewit before 3ow, for findrie crymes committit be him; and speciallie, for pe crewall slauchter of vmq^{le} James Creychtoun att pe mylne of Ruthvennis, laitlie committit be pe said Adam, vpoun sett purpois: ffor pe quhilk, he being apprehendit and putt in waird, within our Tolbuith of Edinburghe, and persewit conforme to pe lettres direct pairvpoun; and nocht able to abyde oure lawis, he is becum in our will, to be pwneift pairfore as we pleis. And we mynding, that sic ane horribill fact sould nocht passe without som pwneifment, att the ernesit fuit of oure rycht traift coufing, Johnne Erll of Mar Lord Erskine, and sum vthir respectis mouing ws, hes sparit the executioun of pe said Adam to pe death, for pe crymes foirsaid, vpoun pis conditione, that within pe space of . . . dayis nixt eftir pe dait heirof, that he fall depart furth of oure realme, and remane furth of pe famin, in perpetuall baneifment and exyle, during all the dayes of his lyfytyme; with certificatioun and¹ he failzie and do in pe contrar, that he being att ony tyme heireftir apprehendit

'Heiring how Witches wrang abusit him, The Kirkmen calld him and accused him,
And scharplie of theis pointis reproved him, That he in Sorcerie beleavit him,
Whairthrow his faule mycht come to skaith, The Witche and he confessing bayth,
Scho tuik some part of white wyne dreggis, Wounded rayne and blak hen eggis,
And made him droggis that did him gude,' &c.—DALYELL'S *Scottish Poems*, ii. 318.

¹ Whether the following entry in the Books of Privy Council has reference to a relation of 'Maister Williame,' the Editor leaves to the reader to determine.

APUD *Edinburgh, quinto Septembris, anno, &c. lxxvij^o* (1577.) The quhilk day, Capitane Johnne Vddart become actit and obleift, as cautioner and fouirtie for Maister Thomas Symfoun, sumtyme seruand to vmquhile Thomas Daudsfoun ypothicar, That the said Maister Thomas fall remane within this realme and nocht depart furth of the famyn in tyme cuming, without speciall licence of my lord Regentis Grace, vnder the pane of fyve hundreth merkis. And Johnne Symfoun, minister at Kennowy, obleift him to releif the said Capitane Johnne of the premiffis, and off all pane and dangeare that he sal happen to sustene thairthrow.

(Sic subscribitur) JOHNNE VDDART with my hand, JOHNNE SYMSOUN minister with my hand.

² An, if.

within our realme, be ony of our judgeis or vtheris our subiectis, that þe panis of death falbe execute vpoun him, without ony mercy. Quhairfore, it is our will, and we command ȝow, that incontinent eftir þe ſycht heirof, ȝe infert þis our Declaratioun in ȝour act of Adjournall, to remane pairin as decreit of convictioun aganis the ſaid Adam, in tyme cuming. Subſcryuit with our hand, att Dumfries, the aughtene day of Junij, 1588.

‘JAMES R. J. M. CANCELLARIUS.’

SENTENCE was pronounced by the Juſtice accordingly.

Slaughter.

Jul. 2.—ROBERT M^cBRAIR of Almagill.¹

Dilatit of the ſlauchter of vmq^{le} Archibald Newall, burges of Drumfreis; committit in Apryll, 1587.

PERSEWARIS.

PRELOQUITOUR.

Efter Hill the relict, Mr David M^cGill, aduocat.

Mr Johnne Ruffell, Johnne Halyday.

The ſaid Robert M^cBrair producit ane Precept, ſubſcryuit be the King and his Chancillar, orderand the mater to be continewit; quhilk the Juſtice obeyit, ‘Drumfreis, tercio Itineris, xv dierum.’²

[*Mr Williame Oliphant, Juſtice-Depute.*]

Jul. 22.—Comperit William Commendater of Pittinweme, as Preloquitour for him, (the ſaid Robert M^cBrair,³) and thair in judgement, in preſence of the ſaid Juſtice-depute; ſeing that vmq^{le} Archebald M^cBrair of Almagill (of that Ilk) wes execute for the ſaid ſlauchter, and that the ſaid Robert wes innocent thairof, offerit in the ſaid Robertis name to refer for his part of the ſatisfacioun of the ſaid ſlauchter, gyft of eſcheit and vthir mater debatabill betuix him and Efter Hill, the relict of the ſaid vmq^{le} Archebald Newall, preſent att the bar, and purſewar of him, to be modifeit and decydit be the Kingis Maieſtie, or ony foure of his hienes Counſall: And the ſaid Eſtir Hill anſuerand be Mr David M^cGill of Niſbet, aduocat for his hienes intereſ, lykewyis perſewar, declarit that his hienes deſyrit hir to purſew the law; and ſwa refuſit to refer the ſaid mater in maner aboue written. Quhairvpoun the ſaid Williame Commendater of Pittenweme aſkit instrumentis.

(Jul. 23.)—This caſe was continued, firſt to July xxij.⁴

(Nov. 2.)—It was then delayed to Nov. ij, when the pannell produced Letters of Remiſſioun, granted by the King in his favor; Thomas Stewart of Gaſtoun and Walter Gladſtanis of that Ilk, having become ſureties, ‘ad ſatiffaciend. partibus.’

¹ See Jan. 23, 1587-8.

² Plegio, Johnne Lyndſay de Covintoun: ‘Releuit heireſtir be his entrie.’

³ Plegio, Andrew Blair de Ardblair.

⁴ When ‘the Kingis Maieſtie haifing commandit the perſewaris and defender, to ſubmit all materis debetabill betuix thame, to four Lordis of the Seſſioun, the Juſtice continewit this mater to the xxvij day of Julij iſtant.’

[*Mr Johne Grahame and Mr Williame Oliphant, Justices-Deputes.*]

Slaughter—Witchcraft—Adultery.

Jul. 26.—JOHNNE MYLLAR in Middill Cairny, and Meriory Blaikie in Cairny.

Dilaitit of airt and pairt of the slauchter of vmq^{le} Williame Robertfoun in Cairny, in bewitching of him; committit in Apryle, 1585: AND for Adulterie committit be athir of thame with vthiris.

Continued to the Justice-aire of Perth, 'tercio Itineris, xv dierum.'

[*Mr Williame Oliphant, Justice-Depute.*]

Incest.

Aug. 22.—SIR JAMES HAMMILTOUN of Crawford, knyght, and Marioun Hammiltoun his dochter naturell.

Hew Somerwall in Carlswall, oft tymes callit to haif produced our fouerane lordis lettres dewlie execute and indorsat, &c. to tak fouirtie of Sir James Hammiltoun and Marioun Hammiltoun, that thay fould haif comperit befor the Justice or his deputes the saidis day and place, in the houre of cause, and vnderly the Law for the filthie cryme of Incest, committit be athir of thame with vther thir sax zeiris bypast; lauchfull tyme of day biddin and nocht produce-and, the famin wes thairfore amerciati in the panis contenit in the Actis of Parliament.

Slaughter.

Sep. 3.—MR ROBERT DOWGLAS, provost of Lynclowdene.

Robert Lord Sanquhar become pledge and fouertie, that the said Mr Robert Dowglas fall comper before the Justice or his deputes, the thryd day of the nixt Justice-air of the sherefdom of Drumfries, or soner, quhene or quhair it fall pleis our fouerane lord, vpoun xv dayes wairning; and vnderly the law, for airt and pairt of the slauchter of vmq^{le} Sir Robert Maxwell of Dinwiddie, knyght, committit in October lastbypast; and vther crymes contenit in the lettres direct thairvpoun, vnder the panis contenit in the Actis of Parliament.

[*Mr James Wardlaw, Justice-Depute.*]

Reset of a Papist and Seminary Priest.

May 7, 1589.—JOHNNE LOWRIE, duelland at the Waft-port of Edinburgh.

Dilatit of the tressonabill Reflett, supplement, mantening, intercomoning and furnefing of meitt, drink and herberie to Mr Robert Bruce, confessit and avowed Papist and seminarie Priest, commoun enemy to Goddis truth and Cristiane go-

vernment ; committit in July, Januar, Februar and March, 1588 and 1589. ITEM, for doing of fauour, reffetting, fuppleing, mantening and defending of Mr Robert Bruce, seminarie Preift foirfaid, within his hous at the Waft-port, in the monethis foirfadis, he being oure fouerane lordis rebell.

PERSEWARIS, Maifter Dauid M^cGill.

PRELOQUITOURIS, Mr Johnne Ruffell, Alexander King.

It is allegit for the pannell, that in this judgment na perfoun can be put to the knaulege of ane Affyis, without thay wer fummond vpoun xv dayis warning, except personis dilatit of Treffoun and tane *in flagranti crimine*. The Aduocat allegis that the famyn fuld be repellit, in respect that the faid Johnne Lowrie wes constitut prifoner ; and the King may tak him furth of prifoun, and put him to ane Affyfe.

May 8.—Johnne Lowrie, vpoun pannell, cummis in his Maieftis will, for geving of meit and drink, as ane commoun tawerner, to Mr Robert Bruce, ane zeir fyne or thairby in Januar laftbypaft, a denner at athir tyme allanerlie,¹ without ony nichtis ludgeing ; and that vpoun the faid Mr Robertis expenffis, nocht knawin him to be ane Preift : And denyis expreflie the haill remanent pointis of Dittay, fen ony deid done be him to the faid Mr Robert fen the executioun of the laft Proclamatioun, quhilk was vpoun the xxvj day of Februar laftwes. And vpoun the faid Declaratioun and offer, takis instrumentis that he is ready to abyde ane Affyis for the reft of the Dittay.

Mr Dauid M^cGill younger aduocat, producit the Dittay and defyrit proces.

May 9.—The Juftice accepts the offer of coming in the Kingis will, ‘ according to his hienes Warrant and Precept presentit in Jugement ; and ordanit cautioun to be reffaut of the faid Johnne.’ His cautioners were, ‘ James Couper merchand, burges of Edinburghe, and Martine Lowrie, burges thair.’

[*Mr James Wardlaw and Mr Edward Bruce, Justices-Deputes.*]

Slaughter.

May 13.—ARCHEBALD WAUCHOP of Nudrie, 3ounger, George Boig ferwand to the Lard of Cragmiller, Williame Lauder brother to the Laird of Bannochie, Williame Craig ferwand to Craigmiller, Richard Bigum (Bigholme ?) also his ferwand and Thomas Kame, fmythe in Nudrie.

Dilatit of the flaughteris of vmq^{le} James Giffert of Sherefhall, vmq^{le} Johnne Giffert his brother, and vmq^{le} Robert Caife in Dalkeith, committit in July laftbypaft ; and als of the flaughter of vmq^{le} Johnne Edmeiftoun, brother of Dauid Edmeiftoun of Wowmett ; committit in March laftwes.

¹ Only.

PERSEWARIS for Shereffhall. PERSEWARIS for Johnne Edmei- PRELOQUITOURIS for the pannell.
 Johnne Giffert, father-brother to ftoun. Maister Thomas Craig,
 vmq^{le} James Giffert of Shereffhall, Sir Johnne Edmeiftoun of that Ilk, Mr Johnne Prestoun,
 James Hammiltoun, The Lord Hwme, The Laird of Brunftoun,
 Mr David McGill, Aduocat. The Laird of Sefkurd. The Laird of Ormeiftoun.

The Justice, eftir dyuerse and findre allegeances and anfueris proponit and maid be ather of the parties, continewit the mater to the morne at ten houris.

[*Mr Johnne Russell, Justice-Depute.*]

May 14.—The quhilk day comperit Mr Johnne Ruffell, Aduocat, and presentit ane Commiffioun vnder the Signet, of the deit the said xiiij day of May, subfcryuit be the King and Chancelair, ordinand him to be Justice in the mater abouewrittin to Mr Edward Bruce and James Wardlaw: And according thairto, wes fuorne for administratioun of Justice.

Comperit Mr David Makgill of Neisbet, Aduocat, and produceit the roll of Affyise, subfcryuit with his hand.

PERSEWAR, Maister David Makgill. PRELOQUITOURIS, Mr Johnne Prestoun, Mr Thomas Craig.

Allegis, that the Justice can nocht proceed aganis the Laird of Nudrie and his complices, for the slauchter of vmq^{le} James Giffert, Johne Giffert his brother, and Richart Caife, in respect, thay haif fund cautioun, vpoun xv dayes warning, actit in the buikis of Adiornall; and in respect, thay are nocht tane *in flagrante crimine*, nor zit is that ane cryme of Leise-majestie; and thay being vnder cautioun, mvn¹ be warnit on fyftene dayis: And producit ane Act of Adjornall, subfcryuit be the Justice-Clerk. The Aduocat acceptis the Act, and thinkis the allegence to be reffonabill.

The Justice findis the allegeance maid yesterday anent the cautioun vpoun fyftene dayis warning, nocht to be relevant in respect of the Kingis Warrant: And ordanis the saidis persounes to be put to ane Affyise for all the crymes foir-faidis; bot continewis the Laird of Nudrie and remanent persounes foir-faidis, and putting of thame to ane Affyise for slauchteris of the saidis James Giffert, Johnne Giffert his brother and Richard Caife, in respect of the act of Cautioun producit.

ASSISA.

- | | | |
|---|---|--|
| (1.) Maister Patrik Hepburne of Gilmertoun, | (6.) James Dunlop of that Ilk, | (11.) James Cochrane of Barbachla, |
| (2.) Williame Lauder of (in) Dunbar, | (7.) Mr Patrik Hepburne of Smetoun, | (12.) James Hwme in Dunbar, |
| (3.) Williame Wallace, 3 ounger of Johnstoun, | (8.) Johne Spreull of Cowdene, | (13.) Williame Wallace, minister of Faill, |
| (4.) Neill Montgumrie of Langschaw, | (9.) James Creychtoun, 3 ounger of Brunftoun, | (14.) Thomas Seytoun of Northrig, |
| (5.) Aula M ^c Cawla of Arncapill, | (10.) James Henderfoun, 3 ounger of Dryden, | (15.) Sir Williame Lauder of Hal-toun. |

¹ *Man*, must.

The Affyis defyrit the Dittay to be fworne, according to the ordour. The Aduocat allegis that the Kingis Dittay aucht nocht to be fworne be him. The perfonis of Affyise askit instrumentis that na man wauld fueir the Dittay.

VERDICT. Quhilkis perfonis of the Affyis abouewritten, being chofin, fuorne and admittit, pafte furth altogidder out of Court to the Counsaill-hous of Edinburghe, quhair thai efter the chefing of Neill Montgumrie of Langschaw, Chancellair, thay refsonit vpoun the haill poyntis of Dittay, and thairwith being ryply aduyfit, re-enterit agane within the faid Court, and be the mouth of the faid Chancellair, ffand, pronuncit and declarit the faidis *Williame Lauder*, *Williame Craig* and *Thomas Kame*, to be acquit and clengit of the flauchteris of vmq^{le} James Giffert of Sherefhall, Johnne Giffert his brother and Richerd Caife; committit in July laftbypast. As lykwayis, be thair delyuerance in prefence of the faid Justice-deput, ffand, pronunceit and delyuerit, in ane voce, the faidis *Archibald Wauchope* of Nudrie, *George Boig*, *Williame Craig* and *Thomas Kame*, to be acquit, clengit and innocent of the flauchter of vmq^{le} Johnne Edmeftoun, brothir to Dauid Edmeftoun of Wowmet, and of the hurting and wounding of George Dauidfoun in his kne, be the fchoit of ane piftolett; and of the hurting and wounding of George Hwid, ferwand to the Lard of Edmeftoun, in his leg; committit the moneth of Merch laftbypast.

APUD EDINBURGHE, xiiij Maij, anno 1589.—The quhilk day, at xij houris efter midnicht or thairby, caution wes found for the perfonis of Affise as follows.¹

- (1.) James Adamefoun, burges of Edr, and Mr Thomas Fifcher, burges thair, Ten thowfsand markis.
- (2.) James Adamefoun, burges of Edr, and Geo. Douglais, fear of Langnudrie, Three thowfsand markis.
- (3.) Johnne Arnot, proveft of Edinburghe, Fyve thowfsand markis.
- (5.) Thomas Fifcher, burges of Edr, Sir Williame Lauder of Haltoun, knyght, Fyve thowfsand markis.
- (6.) Johnne Watt, fmyth, burges of Edr, and Cant, burges thair, callit *Lard Cant*, Fyve thowfsand markis.
- (7.) James Adamefoun, burges of Edr, Ten thowfsand markis.
- (8.) Johnne Arnot, proveft of Edr, and Johnne Watt, burges thair, Fyve thowfsand markis.
- (9.) George Douglais, 3ounger of Langnudrie, and James Adamefoun, burges of Edr, Three thowfsand markis.
- (11.) Johnne Arnot, proveft of Edr, Three thowfsand markis.
- (12.) James Adamefoun, burges of Edr, and Mr Patrik Hepburne of Smetoun, Tua thowfsand markis.
- (14.) George Douglas, younger of Langnudrie, and James Adamefoun, burges of Edr, Fyve thowfsand markis.
- (15.) George Douglas, 3ounger of Langnudrie, and James Adamefoun, burges of Edr, Fyve thowfsand markis.

¹ Instead of again enumerating the whole of the Assise, reference is made to the number prefixed to each Assisor's name, in the foregoing list. Montgomerie of Langschaw, Henderfoun 3ounger of Dryden and Williame Wallace, did not find security.

The famyn day, ilk ane of the Affysouris foirfaidis quha hes fund the said fouirtie, obleift thame, thair aris, executouris and assignais, to freith, releif and keip skaithles thair cautionaris *respective* foirfaidis, of the fouirtie abouewrittin, ilk ane of thame for thair awin partis as is aboue specifiet, and of all panis contenit thairin, at the handis of oure fouerane lord and his hienes thesaurair, and all vtheris quhome it effeiris.

[*Mr Williame Oliphant, Justice-Depute.*]

Slaughter.

May 20.—THOMAS MAISTER OF BOYD, James Boid of the Kippis, Alexander Boyd, bailzie of Kilmernok, James Slofe of that Ilk, Thomas Roife in Bondland, and Johnne Craufurd in Welstoun.

Dilatit of the slauchter of vmq^{le} Johnne Mure in the Wall; committit in the moneth of Auguft, 1571.

PERSEWARIS.

Johnne Mure, eldest sone, Robert Stewart and Michael Stewart, kinismen of the motheris fyde.

PRELOQUITOUR for the pannell, Mr Johnne Skene.

The partie past fra the persute of Johnne Craufurd; quhairvpoun he askit instrumentis.

Letters of Remiffioun, granted by the King in favor of the parties, and Caution found for satisfiing the parties. Cautioners, Captain Thomas Crawford of Jurdanehill, Johnne Schaw of Grenok, Williame Mure apperand of Rowallane and Thomas Master of Boyd, bind themselves to relieve the above sureties.

Slaughter.

May 20.—ROBERT LORD BOYD.

Robert Boyd of Banhaith, cautioner for the entry of Lord Boyd at the Justice-air of Ayr, or on warning of xv days, for the same slauchter.

[*CURIA JUSTICIARIE s. d. n. Regis tenta in pretorio de Edinburgh superiore, xxiiij die mensis Maij anno 1589, per discretos viros Magistros Eduardum Bruce, Willielmum Oliphant et Jacobum Wardlaw, Justiciarios Deputatos.*]

May 24.—The quhilk day the Justices abouewritten producit our fouerane lordis Commiffioun efter specifeit; quhilk thay desyrit to be insert in the process for thair Warrant; quhairof the tennour followis.

COMMISSION for the Trial of GEORGE ERLE OF HUNTIE, DAVID ERLE OF CRAWFURD and FRANCIS ERLE BOTHUELL.

‘JAMES, be the Grace of God, King of Scottis. To all and findrie oure leigis and subdittis, quhome it efferis, to quhais knaulege thir oure lettres fall cum; Greting. Witt 3e Ws, to haif maid and constitut, and be thir oure Lettres, with the awyife of the Lordis of our Secreit Counsaill, makis and con-

stitutis Mr Eduard Bruce, Johnne Coluile, Williame Oliphant and James Wardlaw, oure Justices in that pairt, conjunctlie and feueralie, to pe effect vnderwrittin; Gewand, grantand and committand to thame, oure full frie, and plane power, generall and speciall command, expres bidding and charge, Court or Courtis of Justiciarie, within our tolbuthe of Edinburghe, to fett, begin, affix, hald and continew, as oft as neid beis; and thairin George Erle of Huntlie, David Erle of Crawford, Frances Erle Bothueil, to call, and be Dittay to accuse, and to the knaulege of Affyis to put, for certane tressonabill crymes and offencis committit be thame, tending to the subuersion of the trew Religioun, and perrelling of oure persoun and estait; and as thay sal happin to be fund culpabill or innocent, to minister and caus justice be ministrat vpoun thame, conforme to the lawis of oure realme; fettis¹ to mak be callit, absentis to amerciat, trespassouris to puneis, vnlawis, amerciamentis and escheatis of the saidis Courtis to ask, list and crave, and the samyn to our thesaurair and his deputtis, in oure name, to inbring and delyuer; affyis ane or ma to summond, cheis and caus to be suorne, ilk persoun nocht comperand, vnder the pane of twa hundreth pundis; clerkis, serjandis, dempstaris or vtheris officiaris of Court neidfull to mak, creat, substitut and ordane: ffor the quhilk oure saidis Commissionaris salbe haldin to ansuer to ws pairvpoun. The quhilk to do we committ to 3ow, conjunctlie and feueralie, oure full power be pir oure lettres, delyuering pame be 3ow dewlie execute and indorsat agane to pe berar. Gewin vnder oure Signet, and subscryuit with oure hand, att Edinburghe, the xxiiij day of Maij, and of our regnne the xxij 3eir, 1589.

‘ JAMES R. CANCELLARIUS.’²

High Treason, &c.

GEORGE ERLI OF HUNTIE, Lord Gordoun and Badzenocht, &c.,
Frances Erll of Bothwell, Lord Creychtoun and Haillis, &c., and
David Erll of Craufurd, Lord Lyndesay, &c.

Dilatit of certane tressonabill crymes, contenit in Dittay to be gewin in be our fouerane lordis Aduocatt, following.

PRELOQUITOUR for the said Erll Crawford, Mr Johnne Scharp.

PRELOQUITOURIS for Frances Erll Bothwell, Mr Thomas Craig, Mr Johnne Prestoun.

PERSEWAR, Mr David McGill of Nisbet, Aduocat to our fouerane lord.

Comperit the said Mr David McGill, and producit the Dittay vnderwrittin; quhairof the tennour followis.

DITTAY OF INDICTMENT against the Pannell.

GEORGE ERLI OF HUNTIE, FRANCES ERLI OF BOTHWELL, DAVID ERLI OF CRAWFURD; 3e and ilk ane of 3ow, ar indyted, for pe tressonabill traffiking with strangeis and ministeris of str(angeis), sic as Jesuites and seminarie preistis, and sum excommunicate persounes, for alteratioun of pe religioun presentlie professit within his realme, according to pe finceritie of pe Ewangell, the quyet of pe same stableischit be commoun consent of oure f(ou)erane lord and thre Estaitis, in pe Parliament haldin att Lynlythqw, the t(enth) day of December 1585 3eiris; and to pe owerthrow of his hienes persoune. And this 3e and ewery ane of 3ow, with Coronall S(empill), Johnne Cowper,

¹ *Secta*, suits of Court.

² Sir John Maitland, Lord Thirlestane.

Robert Bruce, Mr Edmond Hay, Mr William Creychtoun, Thomas Nisbet, Johnne Chisholme sone to vmq^{le} James Chisholme of Cro, David Grahame of Fintrie and diuers vtheris, albeit native Scottismen, (in þe haill monethis of 1588, att þe leift in ane or vther of þame,) zit in þis tressonabill traffique, minifteris (of) ftrangeris : And 3e and euery ane of 3ow, hes reffaut m . . . (men ?) and Spanisch gold fra þame ; att þe leift, ane or vther of þame ; to þe effect and for þe cauffis foirfaidis ; committing thairthrow, maist hie and manifest tressoun ; quhilk 3e can nocht deny.—To þe taikin that this is trew, 3e, *Frances Erll of Bothwell*, in fomer lastbypast, to þe effect foirfaid, reffaut fra Cornall Sempill ane thowfand crownis ; and laitlie fra France, (fra þe) Erll of Erroll, ane vther thowfand crownis ; and distributit þe fame be 3oure selff and vtheris att 3oure command, with vtheris sounes of money, reffaut be 3ow fra Mr Walter Lyndsay, to¹ waigeit fouldiertis, horsmen and futemen, rafit be 3ow laitlie, in þe monethis of March and Apryle ; expres aganis the Acte of Parliament, forbiddand raising of fouldartis, or waiging of ony men of weir, except be speciall commissioun of þe Kingis Maiestie, quhilk 3e had nocht. In respect quhair of 3e haif incurrit þe pane of Tressoun, as is abouewrittin.—And 3e, *George Erll of Huntlie*, in lykewayis, hes reffaut þe soun of three thowfand crownis or pairby, the last 3eir, fra David Grahame of Fyntrie, to þe effect foirfaid ; quhairthrow 3e haif incurrit the lyke cryme. And this is trew, and 3e nor ather of 3ow can deny þe fame.—SECUNDLIE, 3e and ather of 3ow ar indytit, for þe suffering of 3oure selffis to be induceit be þe reffauing of þis money aboue specifeit, to þe effect foirfaid, for contentment of þe ftrangearis, papistis ministeris, quha traffikit with 3ow, to þe tressonabill effectis aboue specifeit, to haif maid and subscryuit ane Band, aganis 3oure dewtie, being subiectis, and subscryuit þe fame be 3oure handis, and diuers vtheris 3oure complicis, sic as the Erlis of Montroise and Erroll att Stregmartene, Glentanner and Auld-Montroise respective, in þe moneth of March lastbypast ; Bandis being forbiddin be þe law of þe countrey ; besydis dyvers conventicle aithis, leagis and conspyraceis, haif bene maid be 3ow, in þe monethis of Februar and March, to þe tressonabill effect aboue specifeit, reiterat and renewit be 3ow and diuerse vtheris 3oure complices and pairt-takaris in þe toune of Sanct Johnnestoune, in þe moneth of Apryll lastwas ; att þe quhilk tyme, 3e maist tressonablie tuik þe said toune, and maid 3oure selffis maisteris pairof, of playne intencion to haif stuffit² þe famin, and kepit it aganis his Maiestie and his authoritie. For executing of þe quhilk conspyracie, 3e and ather of 3ow, wer art, part, red and

¹ Part of a line cut by binder from the top of this and some of the following leaves. The edges of the leaves are also pared, so as to take away several words. ² Victualled and furnished.

counfall, of þe convocatting of 3oure selffis, 3oure assistaris and pairt-takaris in armes, to haif takin the Kingis Maiesteis hous and palice of Halyruidhous and his hienes persoune, supponit be 3ow to be thairin; and to haif slayne findrie his graces faithfull counsalouris and seruandis, speciallie Sir Johnne Maidland of Thirlstane, knyght, his Maiesteis chancellor, with diuers vtheris: Quhairthrow, 3e mycht haif vfit his Maiesteis persoune, alterit and subuertit þe present estait, att 3our awin will. For performing quhairof 3e tryistit 3oure meting att þe Quarrell-hoillis, betuix Leith and Halyruidhous, in March last; and 3e, *Frances Erll of Bothwell*, wraitt to Dauid Erll of Crawford, to haif cumit in armes to Leith, and to haif kepit þe appointit place and tyme be 3oure self, as indeid 3e the *Erll of Crawford* come in armes, to þe effect þe
. þe toun of Kingorne; the *Erll of Huntly*, frome þe n (north?) partis to þe toun of Dumfermling; the Erll of Montrose, to þe Halzairdis in Auld Listoun; and 3e 3oure selff, to þe said place appointit. Quhilk 3e nor ather of 3ow can deny.—ITEM, 3e and ather of 3ow ar indytit, ffor samekle as his Maiestie being aduerteist of 3oure tressonabill Conspiraceis abouewrittin, for his awin bettir preferuatioun in keping his realme and liegis in quyetnes, haifing send [Williame] Reidpeth, ane of his Maiesteis gaird, in Apryll lastwes, with his Maiesteis letteris to his louitt counsaloure and officiar, Mr Thomas Lyoun of Baldu(kie) Maister of Glammis, his grace thesaurar to þe tounis of Dundee and Sanct Johnestoun; quhairthrow his Maiestie, be convocating of his liegis, mycht repres þe rebellious aboue specifeit; 3e be your selff, seruandis and collegis, tuik the said [Williame] Reidpeth, kepit and detenit him presoner, impedit and stayit þe executioun of his grace's letteris for convocating of his trew liegis to þe maintenance of his estait and preferuatioun of his Maiesteis persoun: Quhairthrow 3e declarit 3oure selffis to haif rebellit aganis þe same, and thairthrow to haif incurrit þe cryme of Tressoun.—ITEM, 3e and ilk ane of 3ow ar indytit and accusit, that in þe moneth of Apryll last, in hie contempt of his Maiestie and his auctoritie, 3e tuke vpoun 3ow to assage þe hous of Kirkhill, and war airt, pairt, red and counfall pairof, ffor exterminatioun quhairof 3e rasit fyre; and in takin pairof, constrained the said Mr Thomas Lyoun, being pairin for þe tyme, to rander him presoner vnto 3ow, careit him with 3ow to þe hielandis and place of Auchindoune, kepit him captiue be a lang space; incurrand pairby the cryme of Tressoun. Quhilk is trew, and 3e can nocht deny þe same.—ITEM, 3e the *Erll of Bothwell* ar indytit, that ffor samekill as 3e directit ane commissioun to þe Erll of Erroll to Sanct Johnestoun, to move þe Erllis of Huntly and Crawford with all pair to cum fordwart and joyne þame selffis with 3ow, on this syd of þe walter of Forth, before his grace forces wer assemblit; quhilk 3e did, in þe moneth of Apryll last: Quhairvnto (thay) agreit;

and 3it newertheles, for takin that this is trew, the Erll of Crawford for executione heirof, enterit in contemptuous termes with the Erll of Erroll. In respect quhairof, 3e and euery ane of 3ow hes incurrit þe cryme of Tr(essoune.)—ITEM, 3e and ather of 3ow ar indytit, that fforfamekill as his Maiestie and his counsalouris, vnderstanding þir treffonabill vproiris and conspiraceis, aboue mentionat, directit his herauld, Williame Rankelure, to mak proclamatioune att þe mercat-croce of Abirdene, for delyuerance and putting to libertie of his graxis thesaurar, officiar of estait and his graxis counsaloure: The said herald cumand to þe mercat-croce of þe said toune in his coit of armour, the same wes reft fra him, his Maiesteis letteris directit lykwyis to be proclomit for convocatioun of his faythfull liegis, wes maist contempteuoslie and treffonablie takin fra him, in þe moneth of Apryll foirsaid, be 3ow and athir of 3ow, 3oure affestaris and pairt-takaris, sic as Johnne Lesley of Boquhane, Johnne Gordoune of Bukie and Murray of Cowbairdie; 3e and euerie ane of 3ow, being art, pairt, red and counfall pairof, kepit and mantenit with 3ow, in 3oure cumpany, the foirsaidis persounes, actuall doaris pairof. Quhairthrow 3e haif rebellit aganis his Maiestie and his authoritie, and pairby incurrit þe cryme of Treffoune: Quhilk 3e can nocht deny.—ITEM, 3e and ather of 3ow ar indytit for þe treffonabil making of proclamatiounes in his Maiesteis name, for convocating of his liegis in armes aganis his Maiestie and his authoritie, makand sklanderous and vntrew repourtis in þe saidis proclamatiounis, that his hienes wes kepit captiue aganis his will; efter þe tyme that his Maiestie maist wyislie and advyfitlie ratifeit the Act of Pacificatioune and maid þe Act of Restitutioune, for quyeting of þe haill estait of this countrey; and þis done with þe aduise of his Parliament, att Lynlythqw, the tent day of December 1585: Declaring alswa, that it sould be Treffoune to ony man to oppone him selff aganis the said Pacificatioun and Act of Restitutioun, and quyet estait of þe countrey than estableisht; and that the opponeris sould incur þe pane of lyffe, landis and guidis. In making of þe quhilkis Proclamatiounis, 3e and ather of 3ow hes vsurpit his Maiesteis authoritie; and in contrawening of þe said Act and contentis pairof, hes incurrit þe pane of Treffoune.—ITEM, 3e and ilk ane of 3ow ar indytit, for airt, pairt, red and counfall, of convocating and bringing togidder of ane oist and armie, on horse and fute, aganis his Maiestie; he with his faithfull and trew subiectis being vpoun þe ffeildis, for repreffing of thir 3our treffonabill actis, conspiraceis and deuyfes befoir reherfit; his Maiestie self, in propir persoun, with his oist and armie, haifing past fordwart fra his Palace of Halyruidhous, to the toun of Cowie, within the Sherefdome of Kincarne, quhair his Maiestie being in propir persoun, 3e haid convocat ane host of thre thowfsand persounes inarmit, maid oreffounes and gaif persuaifiounis to thame, that 3e haid his Maiesteis guid-will

and consent thairto; animating thame to cum fordwart ganis his Maieftie, promefing to¹ and is of weritie; and fa 3e come² of Abirdene with difpleyit banneris to be Brig of Die, of mynd to haif affal3iet his hienes oift and armie, his grace maift royall perfoun being thairin; gif that a part of 3our faid armie, (being) his Maiefteis guid and faithfull fubiectis, induceit and perfuadit be errour to accompany 3ow, vnderftanding pair awin errour, haid nocht (knewing his Maiefteis awin perfoun to be in the feildis) alluterlie refufit 3ou, in 3our faid treffonabill proceedingis. And this is trew, and 3e can nocht deny the fame.—ATTOR, 3e *Frances Erle of Bothuell* ar indytit and accufit, that 3e in the monethis of Januar, Februar, Merche and Aprile laftbypaft, at leift in ane or vther of thame, hes reffaut fra minifteris and ferwitouris of ftrangeris, Papiftis, quhome 3e in dyueris tymes haid in cumpanie with 3ow, dyuerfe fowmes of monie to the rafing of men of (weir) and wagit men, or horfe and fute, expres aganis the dewtie of ane faythfull fubiect, and come fordwart with thame to Dal(keith), his hienes being in Edinburghe for be tyme: Of be quhilk wageit men (3e) rafit ane number of Inglifmen, Grahmis and vtheris, inhabitantis of Levin and Newcastle; the reft of 3our wagit nowmer, being outlawis, theiffis and rebellis, Scottifmen, fic as Robert Maxwell, brother and fonnes of be lard of Greneheid; ftrak drummis and (raifed) vp men of weir on fut and hors, maid refidence with th(ame) at Dalkeith, come with thame to Leith and dyueris vtheris pairtis of the cuntrey, boftit³ and manaffit the trew fubiectis pairof with pair wtter wraik. And this treffonabill deid 3e reiterat (his Maieftie) being in the north in proper perfoun, for repreffing the vproris (aboue) writtin, in be moneth of Aprill foirfaid; and campit 3our felff . . . (at) Dalkeith aganis his Maieftie, as gif 3e haid bene fubiectis in tyme of ware, denuncit to ane forane prince and ene(my.) Quhairthrow, 3e haif committit maift hie and manifest Treffoun (aganis) his Maiefteis perfoun, Actis of Parliament and lawis of this realme. (And) this is trew, and 3e can nocht deny the fame.—ITEM, 3e and ilkane of 3ow ar indytit for the treffonabill and fpeking aganis the peax and quietnes of the cuntrey (and his) Maiefteis libertie concludit in Parliament be the Eftatis thairof, quhilk (3e and) euery ane of 3ow did at dyuers tymes, and fpecialie in the (moneth) of Merche laftbypaft, his Maieftie being vpoun the feildis and at his willing to perfuad his hienes, that he was fen the making of the (forefaid) Act at Lithqw, haldin and detenit captiue, and that he would lo (lofe his?) lyf gif he returnit to his awin toun of Edinburghe at quhat tyme alfo ettit vpoun the taking and apprehending of his gracis maift nobill (perfoun?) oppoining

¹ A line cut off by the binder's unskilfulness.² Three words pared off here.³ Threatened.

your selff and euery ane of you to his Maiesties Actis of Parliament : It being provydit be the saidis Actis, that quhafoeur opponit
 conspiring abrogatioun or derogatioun pairof, directlie nor indirectlie, thay sould incur the pane of Tressoun and Leise-maiestie, to be execute with all rigour.¹ As the extract of the said Act, heirwith productit to schaw, beris. And this 3e haif done, incurrand pairthrow the panis of Tressoun, as is abouewrittin.

THE quhilk day, the said Dittay and euerie point thair of being oppinlie red in judgement, and efter diuers answaris maid thairto be the saidis Erllis of Huntlie, Bothwell and Crawford,

The said ERLI OF HUNTIE declarit, that nochtwithstanding in his conscience he is innocent of sic odious crymes, as of before he denyit, zit haifing cum in vpoun that resolute purpois, to submitt him selff in his Maiesties will ; and nocht willing ony wyse to be contradictour to his Maiestie ; hoping alwyis that his Maiestie will wie² the circumstances of his accusatioun ; he submittit him selff maist huimblie in his Maiesties will, following his intentioun that he had att the fyrst incuming : And that, of the haill pointis of the Dittay.—The Aduocat askit instrumentis of the Erll of Huntie cuming in the Kingis will.—The Erll of Huntie protestit, that they mycht be hard heireftir, nochtwithstanding his cuming in will, be all lesum meanis that he may, of law.

The samin day, the ERLI BOTHWELL, eftir the reding of the haill pointis of Dittay, and eftir diuers answaris gevin thairto, and ane playne denyall thair of as thay wer lybellit, become in our souerane lordis will, for raising of men of weir, convocating of our souerane lordis liegis, brokin men, borderaris, and, as he alledgeit, pledgeis for staving of the truble of the bordouris, att Dalkeyth ; and bringing of thame to Leyth : And crawis his Maiestie maist huimblie pardoun thairfore.—The samin day, the said Erll of Bothwell become in our souerane lordis will, for subscription of ane Band, insafar (as) it is contrar the law and Actis of Parliament, alwyis nocht importing Tressoun : and offerit him reddy to abyde the tryall of ane Affyis for all the rest of the crymes contenit in Dittay.

The samin day, the said DAVID ERLI OF CRAWFURD, eftir the reding of the said Dittay vnto him, and that he had answarit thairto and euerie point of the samin, denyit the haill pointis thair of, as thay wer qualifeit : And become in the Kingis Maiesties will for being vpoun the ground quhene my lord Thesaurer

¹ Mutilated by the binder. The words of the Act (19 Jac. VI. cap. 21) are, ' And that na maner of persoun nor personis, of quhatsumevir qualitie or degree thay be, pretend to argun, impung, trauell, solist or lawbour, for pe infringeing, breking, wraisting, abrogatioun, ' &c. ² Weigh.

come furth of the hous of Kirkhill, or ony cryme his Maiestie may imput to him thairanent.

.....¹ in his Maieftis will for being with the Erll of Huntlie Abirdene, but ony convocatione vpoun his pairt, with of all perfwading of his hienes liegis againis his Maieftie, as is contenit in Dittay.

The Aduocat askit instrumentis of the becuming of the Erllis of Bothwell and Crawford in the Kingis will.—The said Erll of Bothwell protested, that na mair be putt to ane Assyise, bot safar as releuant of the law.

ASSISA.

The Lord Hammiltoun,	The Lord of Cathcart,	The Erll of Marfchell,
The Erll of Angus,	The Laird of Pittarro,	The Lord Seytoun,
The Erll of Mortoun,	The Constable of Dundee,	The Lord Somerwell,
The Erll of Atholl,	The Laird of Cloisburne,	The Lord of Altrie,
The Erll of Mar,	The Laird of Lag,	The Lord Dingwall.

The Aduocat, eftir accusatioun of the saidis Erllis of Crawford and Bothwell be Dittay, in presens of the saidis persounes of Assyise, protestit, in cais the Assyise clange thame, for Wilfull Erroure.

VERDICT. And immediatlie eftir chesing, fwering and admitting of the persounes of Assyis aboue specifeit, and accusatioun of the saidis Erllis of Bothwell and Crawford be the Dittay above mentionat; the saidis persounes of Assyis removit thaim selffis altogidder furth of Court to the Counsal-hous; quhair thay fyrst, be voting, chuse the said Willeame Erll of Angus Chancillar of the said Assyise, and thairefter reffonit and votit vpoun the pointis of the said Dittay, and gave thair determinatioun thairvpoun. With the quhilk determinatioun, being throuchlie auisit, thay re-enterit agane in Court, in presens of the saidis Justice-deputes, quhair thay, be the mouth of the said Chancillar, ffand, pronunceit and declarit the said *David Erll of Crawford* to be fylit, culpable and convict of the treffonabill taking of the toun of Sanct Johnestoun, in the moneth of Apryll lastwas, and maid him selff maister thairof, of playne intentione to have kepit the samin aganis the Kingis Maieftie and his (authoritie).—[AND ficlyke, ffand, pronunceit and declarit the said] *Frances Erll of Bothwell* convict of airt, pairt, red and counfall of convocation of the kingis liegis, his affistaris and pairt-takaris, and cuming to the Quarrell-hoillis, in Merch or Apryle lastwas, for altering of the present estait.—AND ficlyke, ffand, pronunceit and declarit the said *David Erll of Crawford* to be fylit, culpable and convict of airt and pairt, red and counfall of convocatting of the kingis lieges, att the tyme quhen the Erll of Bothwell come to the Quarrell-hoillis, for cuming to the toun of Kingorne a-gait-wart, for alteratioun of the present estait.—AND

¹ A line is pared away here.

ficlyke, ffand, pronunceit and declarit the said Dauid Erll of Crawford to be fylit and convict of airt, pairt, red and counfall of expugnatioun and asslageing of the hous of Kirkhill, and raising of fyre thairat, committit in Apryle lastwas : Incurrand thairby the pane of Tressfoune.—AND ficlyke, ffand, pronunceit and declarit the said Dauid Erll of Crawford to be fylit, culpabill and convict of art, pairt, red and counfall of convocatting and bringing togidder of ane oist and armie, on hors and fute, aganis his Maiestie ; he, with his faithfull subiects, being vpoun the feildis for repreffing of thair tressonabill conspiraceis and dewyfis above reherfit, his Maiesties selff in proppir persoune, with his oist and armie, haifing past fordwart fra his Palice of Halyrudhous to the toun of Cowie, within the Sheref dome of Kincardin ; quhair his Maiestie being in proppir persoune, he and the rest of his collegis convocat ane oist of thre thousand men, persounes inarmit, maid oressounes and perswasounes to thame, that thay had his Maiesteis guid will and consent thairto, animating thame thairby to cum fordwart aganis his Maiestie, promessing to warrand thame at his gracis handis ; howbeit the contrar is and wes of veritie : And sa thay come fordwart fra the toun of Abirdene with displayit baners to the Bryg of Die, off mynd to haif assailzeit his hienes oist and armie, his gracis maist royall persoune being thairin, gif that a pairt of thair said armye, being his Maiesteis gude and faythfull subiectis, induceit and perswadit be erreure to accompanye thame, vnderstanding thair awin errour, had nocht knawin his Maiesteis awin persoune to be in the feildis, and alluterlie refusit to assist thame in thair said tressonabill procedingis.—AND ffand and pronunceit the saidis *Dauid Erll of Crawford* and *Frances Erll of Bothwell* to be Innocent and acquit of the remanent poyntis of the Dit-tay aboue writtin.

THE KING would not consent to the execution of these Peers, and the matter was allowed to hang up for above two years, when the following entries occur in the Books of Adjournal, which are inserted here, rather than under their respective dates, for the sake of connexion.

[CURIA JUSTICIARIE, s. d. n. *Regis tenta in Pretorio de Edinburghe, per Magistros Johannem Graham de Halzairdis, et Vmphridem Blynshelis, Justiciarios Deputatos.*]

The Kingis will towardis the Erll of Huntlie.

(July 16, 1591.)—The quhilk day, comperit ane nobill and mychtie lord, George Erll of Huntlie, Lord Gordoun and Badzenoch, &c., being enterit on pannel ; appoyntit be his Maiestie to compeir this day and place, before the Justice

or his deutes, to heir and see his hienes will declarit, anent the crymes quhairfore he become in will, in ane Court of Justiciarie, haldin in the tolbuith of Edinburghe, the xxiiij day of Maij, the 3eir of God I^m.V^c.lxxxix 3eiris : Comperit lykewyis, Mr Daud M^cGill of Cranstoun-Ryddell, Aduocatt to our fouerane lord, and producit ane Letter, subscryuit be his Maiestie and Chancillar, direct to the Justice, Justice-Clerk and thair deutes, for pronunceing of the will vnderwrittin ; quhilk he desyrit to be insert and registrat in the buikis of Adiornall. Quhilk desyre the Justice-deutes findand ressonabill, ordenit the samin to be insert and registrat in the saidis buikis, according to the Aduocattis desyre and consent ; quhair of the tennour followis.

His Maiesteis Warrant.

JAMES, be pe grace of God, King of Scottis. To our Justice, Justice-Clerk and pair deutes, greting. Forfamekill as, in ane Court of Justiciarie, haldin in our tolbuith of Edinburghe, be our Justices in pat pairt, constitute be Commissioun, vpoun pe xxiiij day of May, the 3eir of God I^m.V^c.lxxxix 3eiris ; oure rycht traift coufing, George Erll of Huntlie Lord Gordoune and Badzenoch, &c. being accusit vpoun pe Dittay gewin in againis him, be our Aduocate, contening in effect pe Proces following : ffor pe tressonabill traffiking with strangearis and ministeris of strangearis, sic as Jesuites, seminarie preistis and excommunicat persounes, for alteratioun of pe Religioun presentlie professit within our realme, accoirding to pe sinceritie of pe Evangell, to pe overthrow of our persoun ; and ressauing of money and Spainzie gold, to pe effect and for pis caus foirlaid : And for subscryveing of ane Band to pe tressonabill effect above writtin, att Stregmartene, Glentanner and Auld Montroise, aganis pe lawis ; besydes diuers vtheris articles : And tressonabill taking of pe toun of Sanct Johnestoune : And for airt, pairt, red and counfall of pe conuocatioun maid in armes for taking of our hous and Palice of Halyrudhous, and our persoune supponit to haif bene pairin, and to haif slayne oure rycht traift coufing and counsalour, Johnne now Lord of Thirlstane, oure chancillar, and diuers vtheris ; and for performing pairof tryisting to haif mett att pe Quarrell-boillis, betuix Leith and Halyrudhous, and cuming agaitwart in armes to pat effect, to Dumfermling : ffor pe tressonabill taking of Reidpeth, ane of our gaird, keping of him prisoner, and impeding of pe execution of oure lettres for pe maintenance of our estait ; ffor pe tressonabill assaigeing of pe hous of Kirkhill, raiffing of ffyre, and taking of Thomas Maister of Glammis our thesaurar, and keping of him captiue in pe place of Auchindoune : ffor airt, pairt, red and counfall of pe tressonabill taking of oure coit of armour fra Williame Rankelour, herald, makand oure Proclamatioun at oure mercat-croce of Abirdene : ffor pe tressonabill making of Proclamatiounes in our name, for convocatting of our liegis, makand sclanderous reportis, as thouch we had bene kepit captiue : ffor pe tressonabill convocatting of ane oist and armie of our liegis aganis ws at pe brig of Die, of mynd to haif invadit our armie quhair we wer present in persoune : ffor his tressonabill speiking aganis pe peax and quyetnes of pe countrey (and) our libertie concludit in Parliament ; incurrand pe panes of our Act maid pairanent : As the said Dittay att mair lenth proportis. Quhair of, albeit the said Erll in his conscience affermit him selff to be innocent, zit haifing cum in vpoun pat resolute purpois to submit him selff in our will, and nocht willing to be contradictor to ws, hoping that we wald wie the circumstances of his accusatioun, he submittit him selff maist humblie in our will ; as the Act of our Adiornall maid pairvpoun beris. AND now we haifing considerit pe humbill and voluntar submissioun of oure said coufing, and weit pe circumstances of his said accusatioun, nawyis myndit to seik pe wrak and subuersioun of pe nobill bluid and ancient hous of our realme, bot to recover and retene thame in dew obedience ; haif pairfore of our speciall grace ressauid and acceptit our said coufing, George Erll of Huntlie, in our mercie and favoure ; and declaris our de-

erminat will be pir presentis, that he is and falbe frie, remittit and discharget of all pe crymes aboue writtin, contenit in pe said Dittay, ffor pe quhilkis he come in oure will as said is; and of all actione criminall and ciuile that we haif, had, hes or may haif aganis him, his lyffe, landis and guides pairfore: As also reintegrattis and rehabilitatis him to his guid fame and warldlie honour, and to vse all lauchfull deidis, in judgement and outwith, as gif he had newir cum in oure said will, or that the saidis crymes nor nane of pame had newir been committit. QUHAIRFORE it is oure will, and we command 3ow, that 3e pronunce pis our will in Jugment, and registrat pe famin in pe buikis of our Adiornall, quhilk we command our aduocatt to see done and perfytit, and to consent to pe famin in our name. For pe quhilkis, thir presentis falbe to 3ow and him sufficient warrand. Gewin vnder our signet and subscryuit with our hand, att Halyruidhous, the aughtene day of Junii, and of our regne the tuentie foure 3eir, 1591.

JAMES R. CANCELLARIUS.

(Jul. 16, 1591.)—And ficlyke, the said Justice-depute, for obedience of the said charge and command, pronunceit and declarit oppinlie in Judgement his Maiesteis will above writtin, viz. that the said George Erle of Huntlie Lord Gordoune and Badzenoch is and falbe frie, remittit and discharget of all the crymes abouewrittin, contenit in the said Dittay, for the quhilkis he become in his hienes will as said is; and of all auctioune, criminall or ciuile, that his hienes had or may haif aganis him, his lyffe, landis and guides thairfore: As als, that his hienes reintegrattis and rehabilitatis him to his guid fame and warldlie honoure, and to vse all lauchfull deidis in judgement and outwith as gif he had newir cum in will, or that the saidis crymes nor nane of thame had newir been committit, in maner and forme as is aboue mentionat. Quhairvpoun the said nobill and potent lord askit Act of Court.

[*CURIA JUSTICIARIE, s. d. n. Regis, tenta in Pretorio de Edinburghe xxv Julij, 1591, per M. Joannem Grahame, &c.*]

Dome of Forfaltour pronunceit aganis Frances, sumtyme Erll Bothwell.

(Jul. 25, 1591.)—The quhilk day, comperit Mr Daid M^cGill of Cranftoun-Ryddell, Aduocat to our fouerane lord, and producit the Kingis Maiesteis Warrand, subscryuit be his hienes; and desyrit the famin to be infert and registrat in the buikes of Adiornull and Dome, to be pronunceit according to the ordinance thairrof, vpoun Frances Erll Bothwell Lord Creychtoun and Haillis, &c. becum in will and convict of the crymes thairin contenit. Off the quhilk letter and Warrand the tennour followis.

The Kingis Maiesteis Warrand for pronunceing Dome.

AT EDINBURGHE, the tuentie fyve day of Junij, 1591 3eiris. Forfamekill as our fouerane lord, calling to mynd and haifing confidderit how Frances Erll of Bothwell Lord Creychtoun and Haillis, and Grit Admerall of pis realme, in ane Court of Justiciarie, haldin in pe Tolbuith of Edinburgh, the xxiiij day of May, the 3eir of God I^m.V^c.lxxxix 3eiris, being dilatit and accusit be dittay, and persewit

judicialle be Mr David McGill of Cranstoun-Ryddell, his hienes Aduocat, in his Maiesteis name, for raising of men of weir, convocatting of his hienes liegis, brokin men borderaris att Dalkeyth, bringing of pame to Leith; and siclyke, for subscriptione of ane Band contrar pe law and actis of parliament; become in his hienes will for pe famin: And siclyke, being indytit and accusit be dittay for airt and pairt, red and counfall of convocatioun of his hienes liegis, his assistaris and pairt-takaris, and cuming to pe Quarrell-hoillis in March or Apryle, in pe 3eir of God I^m.V^c.lxxxviiiij or lxxxix 3eiris, for altering of pe present estait, and putt to pe knowledge of ane condigne Affyise pairfore, wes be pair delyuerance fund culpabill and convict of pe famin. Quhilk will and dome his Maiestie haifing differit to haif bene declarit or pronunceit aganis the said Erll, vpoun hoip of his better behaviour and amendment, in tymes paireftir. NEUIRTHELES, the said Frances Erll of Bothwell, forgetfull of his hienes clemencie, being dilatit of crymes of Treffoune and conspiraceis aganis his hienes awin persoune, and distructione pairof be Nicromancie and Wichcraft,¹ wes pairfore committit to waird within pe Castell of Edinburghe, thair to haif remanit quhill he had bene tryit of pe famin, be pe knowledge of ane condigne Affyise, or vtherwyis as accordis of pe law; swa that he mycht haif bene declarit ather culpabill or innocent of pe famin: Nochtwithstanding, the said Frances Erll Bothwell hes laitlie brokin pe said waird (and) vpoun his perell eschewit furth pairof, takand pairby the crymes of Treffoun vpoun him, quhairof he wes dilatit, and for pe quhilkis he wes committit within pe said waird. THAIRFORE, our souerane lord Ordanis his will to be declarit, and Dome to be pronunceit aganis pe said Frances Erll of Bothwell, in maner and forme as eftir followis. That is to say, that he, be pe committing of pe crymes aboue writtin, quhairof he become in our souerane lordis will, and wes convict be ane condigne Affyise in maner aboue specifeit, hes committit Treffoun; and thairfore that the dome of Forfaltoure fall be pronunceit againis him, that he hes forfalt lyffe, landis and guides; to be applyit to his Maiesteis vse, to be vfit and disponit as his hienes fall think expedient. Subscryuit be our souerane lord, day, 3eir and place foirfaidis; and ordanis the Justice, Justice-Clerk and pair deputes to pronunce pe dome aboue writtin, aganis pe said Frances Erll Bothwell this day, but delay: As thay will anfuere to his hienes pairvpoune.

JAMES R.

FOR obedience of the quhilk Warrant aboue written, the Justice deput ordenit the said Frances Erll Bothwell, be cuming in will and convictioun of the crymes foirfaidis, in the Justice Court aboue writtin, to haif forfalt lyffe, landis and guides, and dome to be pronunceit thairvpoune: Quhilk wes pronunceit be the mouth of Williame Gray, Dempstar of the said Court: And ordanit the said Letter to be insert in the said buikis of Adiournall.

[*Mr Edward Bruce, Justice-Depute.*]

Slaughter — Convocation of the Lieges.

Jun. 19, 1589.—SIR PATRIK HOUSTON OF THAT ILK, knycht, Robert Sherair, serwand to the said Sir Patrik, Johnne Dik, serwand

¹ Birrel in his Diary remarks, 'The 22d day Junii, (1591,) the Earle of Bothwell brak ward out of the Castell of Edinburghe, quha had beine ther in prisone some 20 dayis befor, for allegit Vichcraft, and consulting with vitches, especially with ane Richard Grahame, to conspyre the Kingis death; and vpone the 25 of Junii, the said Earl Bothwell wes forfaulted, and intimatione made thairof by opin proclamatione at the Crosse of Edinburghe.'—*Dalyell's Fragments*, B. Dairy, p. 25.

to Patrik Houftoun his sonne, Patrik Widdome in Houftoun, Alexander Howftoun ferwand to Mr William Houftoun, Patrik Wancok, Robert Keffane alias Hill ferwand to the 3oung Laird of Houftoun.

Dilatit of airt and pairt of the flaughteris of vmq^{le} William Cwninghame, oy^l of the auld Laird of Glengarnok, and vmq^{le} Johnne Cwningham his sone naturall; committit with convocatioune, of the cauffing of the said Sir Patrik, the ferd day of Apryle lastwes, vpoun sett purpoise and provisioune.

Continued to the Justice-air of 'Renfrew, tercio Itineris, vel xv dierum.'

Jun. 19.—SIR PATRIK HOUSTOUN of that Ilk, knyght.

Dilatit of airt and pairt of the crewell flaughter of vmq^{le} Robert Mvre, brother to vmq^{le} Johnne Mvre of Cauldwell, and vmq^{le} Andro Wilfoun in Wodfyde; committit in Aprile, lj (1551) 3eiris.

PERSEWARIS.

For the flaughteris of vmq ^{le} W ^m and Johnne Cwninghame,	For the flaughter of vmq ^{le} Andro Wilfoun,
Johnne Cwninghame of Glengarnok,	James Wilfoun.
William Cuninghame 3ounger of G.	

PRELOQUITOURIS in persute.

The Lord Fleming,	The M ^r of Sincler,	Capitane James Cwninghame,
The Lord Sempill,	The Laird of Balverie,	Mr David M ^c Gill, aduocat.

PRELOQUITOURIS in defence.

Maister Johnne Schairp,	The Laird of Foulwode,	W ^m Foulertoun of Dreghorne,
Maister Johnne Prestoun,	W ^m Wallace 3 ^r of Johnestoun,	W ^m Wallace, ferwand to Ardgovan.

Efter dyuerse allegeancis and ansueris proponit be ather of the parties, the Justice ordanit the mater to pas to ane Assyise.

The proceedings are not inserted in the Record. There is, however, a marking on the margin, showing that, in reference to Sir Patrik, the first case was continued to the Justice-aire of 'Renfrew, tercio Itineris, vel xv dierum; Plegiis, Domino Keir et ipse ad relevandum.' In the sécond case, 'Ad Remissionem pro interfectione Andree Wilfoun; Plegiis, Wilelmo Foulertoun de Dreghorne et seipso, conjunctim et divisim.' As to Robert Sherair and the next four, the diet was 'past fra;'; 'Plegiis, Johanne Sempill seniore de Fulwod et Dom. Houftoun ad relevand.' Robert Kessane continued to the Justice-aire of 'Renfrew, tercio Itineris, vel xv dierum; Plegio, Dom. Houftoun.'

[*Mr William Oliphant, Justice-Depute.*]

Abiding from the Raid of Aberdeen.

Jun. 23.—GEORGE CRAW in Peillwallis, and William Craw in Swinwode.

Dilatit for remaning fra the raid of Abirdene, ordanit to haif convenit at

Oe, grandson.

Edinburghe with all possibill diligence, in Aprile 1589 : And for the tressonabill affisting to Frances Erle Bothuell, and vther conspiratouris aganis his Maiestie.

PERSEWAR, Maister Dauid M^cGill 3ounger, aduocat.

PROLOQUITOURIS in defence, Mr Thomas Craig, Mr Edmond Hay.

Continued to the Aire of ' Forfar, tertio Itineris, vel xv dierum. Plegiis, Jacobo Sydferf, burgen. de Edinburghe, et ad relevand. unusquisque pro sua parte.'

This is the first of many similar trials for abiding from this raid. They all appear to have been settled by composition with the Treasurer.

[*Messrs Johnne Grahame, Williame Oliphant et James Wardlaw, Justices-Deputes.*]

Slaughter.

Jul. 7.—JOHNNE WEIR, balzie of Lanerk, Johnne Bannatyne callit *Katis Johnne* and fifteen others.

Dilatit of the slauchter of vmq^{le} Robert Johnnestoune, brother to James Johnnestoune of Westraw.

PERSEWARIS, Florie Somerwell, mother. The Aduocat.

Continued to Aire of ' Lanerk, tertio Itineris, vel xv dierum.'

[*Mr James Wardlaw, Justice-Depute.*]

Fire-raising — Slaughter.

Oct. 14.—JAMES JOHNSTOUN of that Ilk and Alexander Jardene 3ounger of Apilgirth.

Dilatit of airt and pairt of the crewall slauchteris of vmq^{le} Alexander Bailzie of Lytilgill, Rachell Bailzie his dochter ; and for the tressonabill burning of the Places of Moit and Dauidschaw ; and for the slauchteris of vmq^{le} Andro Aichefoune and Katherene Forrest ; and for the burning of the place of Lytillgill ; committit in the monethis of Februar and July, *respective*, last.

PERSEWAR, Mr Dauid M^cGill of Cranstoun-Ryddell, 3ounger.

PRELOQUITOURIS for the pannell.

The Erll Bothwell,

The Lord Newbottill,

Mr Thomas Craig,

The Lord Heres,

Lochinver,

Johnne Halyday.

Quha produceit our fouerane lordis lettres, dewlie execute and indorsat, purchest be his hienes Aduocat againis the faidis perfones, for the crymes foirfaid ; and defyrit proces. The perfounes on pannel askit instrumentis that thay offerit thame reddie to abyde the tryell of the law for the faidis crymes, disassenting to all continewatioune and protesting for relief of thair cautioneris.

The famin day, eftir diuers allegeances proponit be the Aduocat aganis the pannell and productione of Lettres of Hoirning aganis the faid Laird of John-

ftoun, quhilkis wes produceit be Mathow Bailze, fone to the faid vmq^{le} Alexander; and lykewyis the faid Mathow produceit ane vthir Warrant fubfcryuit be the King, Ordaning this mater to be continewit quhill the morne.—‘Plegio, Murray de Blakbarony, vnder the pane of ten thowfand merkis.’

Oct. 15.—THE Pannell ask instrumentis of thair entrie and proteftis for relief of thair cautione.—The famin day comperit Mathow Bailzie, and produceit ane Warrant fubfcryuit be the King for continewatioun of the mater to the tent day of Januar nixtocum: Quhilk wes obeyit.—The pannell askis Instrumentis of productione of the Precept be Mathow Bailzie; and that thay difassentit to all continewatioun. ‘Plegio, Domino de Blakbaronye, fub penis content. in Actis Parliamenti.’

[*Messrs Williame Oliphant and James Wardlaw, Justices-Deputes.*]

Witchcraft, &c.

Oct. 28.—KATHERENE ROISE LADY FOWLIS.

Dilatit of certane crymes of Wichcraft.

PERSEWAR, Mr Daud McGill, Aduocat. PRELOQUITOUR, Mr Thomas Craig.

The quhilk day the faid Katherene askit instrumentis of hir comperance, and that fche offerit hir reddie to abyde the tryell of ane Affyse, for all crymes that can be laid to hir charge; and in respect na perfoun comperit to infist in hir perfuit, proteftit that fche fould be fred of the waird quhairin fche remanit this lang tyme, quhill tryell fould haif bene of hir, be ane Affyse of the faidis crymes, Quhilk tryell wes appointit this day.—‘DESERT.’ (See Jul. 22. 1590.)

[*Mr Johnne Grahame, Justice-Depute.*]

Slaughter.

Jan. 14, 1589-90.—ROBERT LINKHOP in Leith, Williame Downie thair, Johnne Watfoune thair.

Dilatit of the flaughteris of vmq^{le} Mestres Jeane Kennedie, fpous to Andro Meluile, Maifter houfhald to our fouerane lord, Sufanna Kirkcaldy hir feruitrice, Johnne Clapene burges of Bruntyland, and diuerse vtheris perfounes, to the nowmer of thre fcoir of perfounis, quhilkis wes in ane boit, be rinnand of the faid boit vnder fei, &c.

PERSEWARIS.

Andro Meluile, Maifter houfhald, Alefoune Orrok for his fpous, Mr Daud McGill, Aduocat.
for his fpous, Johnne Clapene,

The Justice continewit the mater vpoune certane defyres defyrit be Johnne Bellendene baillie of the Regalitie of Brochtoune, to the thryd day of the nixt Justice-air of the therefdome of Edinburghe, or foner vpoune fyftene dayis warn-

ing; and ordenit the pannell to find caution for thair entrie.—‘Plegio, Patricio Monypenny de Pilrig pro omnibus.’

PRELOQUITOURIS for the pannell, Mr Thomas Craig, Mr Johnne Skene.

Feb. 3.—The quhilk day, comperit Johnne Bellendene, bailzie of the Regalitie of Brochtoune, and defyrit, that the personnes aboue writtin, duelland within the boundis of the said regalitie, dilatit of the crymes aboue mentionat, mycht be replegeit furth of this Court, to the priviledge and libertie of the said Regalitie; and offerit to find cautione of *Coloraith*, for administratioun of Justice: Quhilk defyre the Justice findand reffonabill, remittit the saidis personnes to the jurisdiction of the said Regalitie and baillie thair of; quha fand James Bellendene of Pendreich cautione and fouirtie for the administratioun of Justice to the parties complenand, and vnder the pane of law: Lyke as Patrik Monypenny of Pilrig become fouirtie for the said Robert Linkhop, William Downie callit *Laird Downie*, in Leyth, come fouirtie for the said William Downie mariner in Leyth; and William Lytill burges of Edinburgh, become fouirtie for the said Johnne Watsoun in Leyth, that thay fall compeir before the Baillie of the Regalitie of Brochtoune and his deputis, within the tolbuith of the Cannogait, the xxv day of Februar instant, in the hour of caus, to vnderly the law, for the crymes, *respective*, aboue writtin; vnder the panis contenit in the Actis of Parliament.

[*Mr James Wardlaw, Justice-Depute.*]

Sorcery — Witchcraft — Child-murder.

Apr. 28, 1590.—MEG Dow, now duelland in Gilmertoune.

Dilatit of Sorcerie and Wichcraft and for the crewell Mordreiffing of twa young infant bairnis, the ane pertening to Bessie Rae in Gilmertoune.

JONET POLLOK.

Dilatit of the casting of Jonet Archibald, hir awin barne, in ane coilheuch, of purpoise to haif drownit hir.

VERDICT. Thomas Tulloch in Edinburghe, chancillar of the Assyis, deliuered their verdict, ‘that the personnes aboue writtin was convict and fund culpable of the crymes, *respective*, aboue writtin.’

SENTENCE. The Justice, be the mouthe of James Scheill, dempstar, pronunceit dome aganis the said *Meg Dow*; that is to say, to be tane to the Castelhill of Edinburghe, and thair wirreit at ane staik, and thairefter hir bodie brunt in asses; and all hir moveabill guides to be escheit, &c.

With regard to JONET POLLOK, there is merely marked on the margin of the Record, ‘Wairdat. in Pretorio de Ed.’; but what was the result of her imprisonment, does not appear.

[*Mr Johnne Grahame, Justice-Depute.*]

**Wearing and shooting of Pistolets within Palace of Holyroodhouse
— Wounding, &c.**

Jun. 4.—JAMES GYB, sone to vmq^{le} Dauid Gyb, in Barrestounes.

Dilatit of contrauening of the Actis of Parliament and Secreit Counfall *respective*, in bering, wering and schuiting of pistolettis, in the moneth of Maij lastwas; and Junij instant, setting vpoun James Boyd of the Kippis the penult day of Maij lastwas, with ane bendit pistolett, and schuiting of him thairwith throw the rycht fute, and hurting and wounding of him with ane sword in the rycht hand; incontrair the tennour of the Actis of Parliament maid in the moneth of Maij lastwas, dischargeing all maner of persounes to invade vtheris vnder the pane of deid.

PERSEWAR, Mr Dauid McGill.

The said James Gyb offerit him in the Kingis will for the cryme: Quhairvpoun the Aduocat askit instrumentis, and protestit for Wilfull Errour in cais the Assyis fall acquit, in respect of the offer.

VERDICT. The Assyis in ane voce, be thair delyuerance, ffyndis the said James culpabill, fylit and convict of vmbesetting of the hie way and passage, vpoun deidlie feid, rancour and malice to James Boyd of Kippis, burges of Edinburghe, the penult day of Maij lastbypast, foirnent the mercat-croce of the said burcht, the said James being gangand sobirly vpoun the hie streit thair of, as within our souerane lordis chalmer of peax, dredand na evill, harme, iniurie or persuit of ony persounes, bot to haif leuit vnder Godis peax and our souerane lordis, and thair setting vpoun him, and crewallie invading him with ane pistolet and drawin sword for his slauchter; schuiting of him with the said pistolet and thre bullettis in the rycht fute, and hurting and wounding of him with his sword in the rycht hand, to the effusioun of his blude in grit quantitie; vpoun set purpois, provisioun, auld feid and foirthocht felony; in contrar the tennour of the Actis of Parliament and Secreit Counfall *respective* maid anent bering, wering and schuting of pistolettis, and hurting and wounding thairwith aganis the tennour of the Proclamatioun, gif it may be extendit thairto; in respect that the said James Gib confessit the invasioun, hurting and wounding of the said James Boyid in their presens, &c.

The samin day, comperit Mr James Carmichaell, Minister, and producit the Kingis Maiesteis Warrant, off the quhilk the tennour followis.

‘ REX.

‘ JUSTICE, Justice-Clark, our Constabill, Constabill depute, Maister houshald and vther Judgeis quhatsumeir, appoyntit to sitt this fourt day of Junij instant, in the caus persewit be our Aduocat aganis James Gyb, sone to vmq^{le} Dauid Gyb, in Borrowstounis, We greit 3ow weill. For-

famekle as the said James may ather offer himself at ony tyme in our will, or being convict be ane Affyis for the cryme underwritin, may be remittit in our will: Leift throw misknawlege or dowbting of our will, justice and executioun of our lawis be delayit or frustrat, We be thir presentis declairis, that forfamekle as the said James hes nocht spairit nor feirit, schamefullie and crewallie to schute and hurt our loving subiect James Boyd of Kippis behind his bak, to the grit effusioun of his blude; and that within the boundis of our awin Palice and Chalmer, in proude contempte of Ws and mony of our Actis of Parliament, Secreit Counfall and Proclamatiounis past pairvpoun; and pairby hes offerit ane perellous preparatiue and example to the rest of our subiectis; this being the first fact committit in that forme, sen our returning to our realme or lang befor; quhilk, gif it be nocht condignelie pwneift, to the example of vtheris that may promise to pame selfis impwnitie, and incourageing to prakteis the lyk, nane of our best assured subiectis, of quhatfumeuir estait or conditione, may thynk pame selfis sure of pair lyves. THAIRFOIR, we declair that the said James Gib fall suffer the death, and be put pairto without ony delay, as he hes worthelie deseruit;¹ and this for declaratioun of our will in the said mater, quhilk 3e, and ilk ane of 3ow, fall nocht fail to do, and caus be done; as 3e will ansuer to Ws vpoun 3our dew obedience; kepand pir presentis for 3our Warrant. Subscryuit with our hand, att Halirudhous, the fourt day of Junij, 1590.

‘JAMES R. M. CANCELLARIUS.’

[*Mr James Wardlaw, Justice-Depute.*]

Jul. 11.—THE quhilk day, comperit Mr James Carmichell, brothir-in-law to James Boyd of the Kippis, and produceit ane Precept, direct be oure fouerane lord to the Justice, and desyrit the famin to be red; and conforme thairto that James Gyb, sone to vmq^{le} Daid Gyb, in Barrestounes, sould be presentit in this Court; and that the famin sould be obeyit, lyk as the Justice for obedience thairof, caufit enter the said James on pannell, and reid the famin oppinlie to him: Quhairof the tennour followis.

‘REX.

‘JUSTICE, Justice-Clark and 3our deutes, We greit 3ow hairtly weill. Forfamekill as James Gyb, sone to vmq^{le} Daid Gyb, in Barrestounes, wes, be ane condigne Affyse, laitlie convict and condemnit to deid² before 3ow, for pe hurting and wounding of James Boyd of Kippis behind his bak, and vn-a-warfe in his rycht fute, with the schot of ane pistolett, and with ane sword in his rycht hand: Quhilk dome of deid wes paireftir, vpoun certane respectis, mitigat be ws; and the said James decernit and condemnit to want his rycht hand, for pe cryme foirsaid: The executioun quhairof hes bene as 3it delayit, att pe ernist requeist and desyre of the said James Boyd of Kippis, to quhome the wrang and offence wes done; ane manne, mair willing apperandlie, vpoun repentance of his offender, to petie, pardoun and forgif, nor to seik revange of his offence, be schedding of mair blude; quhais Cristinne inclinatioun we can nocht bot allow. And now, being informit, that, in respect pairof, certane gentilmen ar takand pe burding vpoun pame for pe said James Gyb, hes for the affythment of the said James Boyd, maid certane offerris, and bundin and obleift pame, coniunctlie and feueralie, vnder certane pecuniall panis, that the said James Gyb fall do sic homage to him, as he fall pleis command; and als that the said James Gyb fall willinglie baneife him selff furth of our realme, and fall

¹ On the margin of the Record there is written, ‘Convict and baneift pis realme, with his awin consent and partie.’ ² The former Verdict of the Assise and Sentence are not inserted in the Record. It would appear that Boyd of Kippis had successfully used every influence with the King to mitigate the sentence.

depart furth of pe fame, how sone he salbe relevit furth of pe Tolbuith of Edinburghe, quhairin he presentlie remanis; and fall newir returne agane within the fame, nor ony pairt pairof, during all pe dayes of his lystyme; and fall do nor attempt na hurt nor skayth to pe said James Boyd, or ony of his, in ony tyme cuming: As in pe Band and obligatioun maid pairvpoune, ordenit to be registrat in pe buikis of Counfall, of pe dait, att Edinburghe and Sauchie, the twentie-fewin and twentie-nyne of Junij lastbypast *respective*, at mair lenth is contenit. Quhairvnto the said James Boyd, as We ar credible informit, hes agreit; quhairby, zit agane, We being movit of our clemencie, to mollyfie and of our royall auctoritie to dispens with the executioun of pe Domes pronunceit ofbefore, and to agrie to pe making of pe said Band, and to condiscend to pe baneisment foirsaid. OURE WILL is heirfore, and we charge 3ow, eftir pe sycht heirof, 3e call the said James Gyb before 3ow, the xj day of Julij instant; and of new pronounce and gif Dome of perpetuall Baneisment aganis the said James Gyb; and that with his awin consent; conforme to pe Band and obligatioun foirsaid, maid pairanent to pe said James Boyd, in all poyntis: And to interpone 3our auctoritie pairvnto; to haif pe strent, force and effect of ane dome and sentence criminall in all tymes cuming; lyke as we, be pe tennour of pir presentis, willing to mitigat justice with clemencie, especiallie quhair the offendit partie is futear pairof, ratefeis and apprewis the said Band and obligatioun and baneisment contenit pairin, and all and findrie vthir hedis, clauffis, conditiounis, articles and circumstances contenit in pe said Band, alsweill vnnamit and nocht exprest, as nameit and exprest in pir presentis, *promittend. in verbo Principis*, newir to do ony thing that may be preiudiciall or derogatiue pairto, in ony soirt, in ony tyme cuming; dispensand of our auctoritie royall, with the said former dome or domes alreddie pronunceit, swa that the famin fall newir haif effect in tyme cuming, except in cais of contraventioun, and according to pe tennour of pe said Band. Lyke as, we also interpone oure auctoritie to pe said Band, and everie heid, claus and article pairof; and for pis effect, we ordaine and commandis 3ow, to insert pir presentis in our buikis of Adiornall, and to interpone 3oure decreit and auctoritie pairto; swa that, in cais of contraventioun of ony point of pe foirsaid Band, executoriallis and executioun may pas pairvpoune, according to the lawis of pis realme: And pe said Dome being pronunceit, that 3e putt him to libertie, be pe cause of pe said James Boyd; conforme to pe obligatioun foirsaid maid to him pairanent, that he may depart furth of our realme conforme pairto: Kepand pir presentis for 3our Warrant. Subscryuit with our hand, at Halyruidhous, the nynt day of Julij, and of our regnne the twentie-thre 3eir, 1590.

SENTENCE. According to the quhilk Precept, the said James Gyb, being presentit on pannell, as said is, and being requyrit, Gif he wald consent to the said Dome of baneisment? Anfuerit, that he wes content thairwith. Thairfore, the said Justice-depute, be the mouth of the said James Scheill, dempstar, pronunceit and decernit, that the said James Gyb fall, with his awin consent, conforme to the Band and obligatioun abouewrittin, salbe perpetuallie baneist this realme: and interponis his auctoritie to the said Band, conforme to the said Precept, swa that executoriallis may pas thairvpoune: And ordanit the said James to be putt to libertie, furth of the said Tolbuith of Edinburghe. Quhairvpoune, the said Mr James Carmichell askit act and instrumentis.

Baptizing and Celebrating Marriages after Excommunication.

Jun. 18.—SIR THOMAS KER in Auld Roxburcht, James Scott att South Syntoun-mylne and Thomas Newbie in Haffindane.

Dilatit for sustening of the proces of Excommunicatioun and contravening of

the Actis of Parliament, in baptesing of bairnis and making of mariages, without ony functione.

The famin day, comperit Mr Daud M^cGill of Cranftoun Ryddell, Aduocatt to our fouerane lord, and produceit the Dittay aganis the saidis perfounes : quhair of the tennour followis.

DITTAY against the Pannells.

SIR THOMAS KER, James Scott and Thomas Newbie, 3e and everie ane of 3ow, ar indytit and accusit, for lying vnder pe horrible sentence of Excommunicatioune, seperat fra the suffrage and prayer of pe Kirk, and merite of pe blude of Chryft, to pe damnatioun of 3oure faules, continewallie, fra pe xxvj day of March, the 3eir of God V^c. fourfcoir-aucht 3eiris.—ITEM, 3e and ewerie ane of 3ow, ar accusit, that fforfamekill as for 3our misbehaviour in 3oure functione of minifterie and rederschip, 3e being lauchfullie depyvit in pe moneth of March 1582 and in September 1583, *respective*, 3e haif continewit, nochtwithstanding, in abusing of pe sacramentis in mareing of findrie perfounes and baptesing of bairnis.

Off the quhilkis crymes, thay com in our fouerane lordis will.

The King's Will and Sentence against the Pannels.

(Jun. 24.)—The quhilk day, comperit Mr Daud M^cGill, Aduocat, and eftir the entering of the saidis Sir Thomas Ker, James Scott and Thomas Newbie, on pannell, as becum in will for the crymes of Excommunicatioune, and declarit owre fouerane lordis will ; quhilk wes, that thay sould act thaim selffis vnder the pane of deid, newir to abuse the Sacramentis nor functione in the Kirk ; as also, that thay sould be tane to the mercat-croce of Edinburghe, and stand twa houris, with paiparis on thair heidis, contening the cryme : Quhairvpoun Dome wes pronunceit.

The famin day, they ‘ actit pame selffis newir to abuse pe sacramentis, vnder pe pane of deid.’

[*Mr Johnne Grahame, Justice-Depute.*]

Slaughter.

Jul. 16.—JAMES TWEDIE of Drummelzeare, Adam Twedie of Dravay, Williame Twedie of the Wrae, Johnne Creychtoun of Quarter, Andro Creychtoun in Cardoune and Thomas Porteous of Glenkirk.

Dilatit of airt and pairt of the slauchter of vmq^{le} Patrik Veitch, sone to W^m Veitch of Daik, (Dawick) ; committit in Junij lastwas.

PERSEWARIS.

Williame Veitch, Eldar of Daik, as fader, Veitch, 3ounger of Daik, as brothir.

PRELOQUTOURIS for thame.

Williame Cokburne of Skirling,
. Heriot of Trabroune,

Patrik Cokburne, Tutour of Langtoun,
Johnne Cokburne of Newholme.

PRELOQUITOURIS for the pannell.

The Laird of Balfour,	Mr David Bailzie,	Mr Johnne Scharp,
James Hammiltoun of Libbertoun,	The Laird of Brunstoun,	Mr Thomas Craig,
Robert Forrester, brodir to the Laird of Carden,	James Creychtoun of Carco,	Mr Johnne Ruffell.

The Justice, be resfoune that ane nowmer of Affyise could nocht be gottin to the faidis perfounes, continewit the mater; and ordanit the perfounes on pannell to continew in thair waird, as thay did ofbefore, quhill thay obtenit releif of his Maieftie.

The faid day, the perfewaris produceit ane Warrant and Precept direct to the Justice, ordaning that the lyke cautoun, and vnder the lyke panis, be tane of the perfounes on pannell, as wes before; and that thay sould be retenit in waird.—The faid day, Johnne Betoun of Balfoure and James Hammiltoun of Libbertoun become pledgeis and fouerteis, coniunctlie and feuerallie, that the perfounes on pannell fall remane in waird, within the toune of Edinburghe, vnder the pane of ten thowfsand markis.

Jul. 20.—Continued to the Aire of ‘Peblis, tertio Itineris, xv dierum.’

Witchcraft — Incantation — Sorcery — Poisoning.

THE following extraordinary case is one of the leading trials for Witchcraft at this unhappy period; and contains many curious particulars relative to that strange infatuation. ‘Katherine Roifs Lady Fowlis,’ who was daughter to Alexander Ross of Balnagown, was the second wife of Robert More Munro, the fifteenth Baron of Foulis, a family of great antiquity, and possessed of considerable property in the counties of Ross, Sutherland and Inverness; having by that marriage, George Munro (of Obisdale), John and Andrew, and four daughters, Margaret, Janet, Marjory and Elizabeth. Robert More Munro had also, by his first marriage with Margaret Ogilvy, a daughter of the house of Findlater, Robert his heir, the intended victim of his stepmother and Mr Hector, who had succeeded his brother, (being served as heir to his father and brother, Oct. 7, 1589,) previous to the date of this trial. He had also by his first marriage three daughters, Florence, Christian and Catharine.—Robert Munro, ‘apperand of Fowlis,’ succeeded his father, and became sixteenth Baron of Fowlis, Nov. 4, 1588, and was four times married, viz. 1st, Marjory daughter of Kenneth MacKenzie Lord Kintail; 2d, Lady Eleanor Gordon daughter of the Earl of Sutherland; 3d, Janet Sinclair daughter of George Earl of Caithness; and 4th, Elizabeth daughter of Hugh Rose of Kilravock; by the last of these ladies he had one daughter, Margaret, who married Robert Munro of Assint.

It is necessary to have been thus minute in shewing the connexions of this family, to account satisfactorily for the Lady Foulis entering into compact with such a crew of miscreants, and attempting such horrible practices. The purpose of all this Poisoning and Witchcraft was, that by removing Marjory Campbell the young Lady Balnagown, her brother George Ross of Balnagown might marry the young Lady Foulis; and to do this effectually, it was necessary to destroy her stepson Robert. It may be remarked, that several of her familiars were led to the stake, and had died confessing the whole plot previous to Lady Foulis’s own trial; her own ‘nourrice’ was destroyed through her foolish curiosity, in tasting of a ‘pyg of poyfoun,’ and ‘immediatlie thaireftir departit be the faid poyfoun;’ and it is apparent that these facts were notorious.

The escape of Lady Foulis and her stepson, Mr Hector, (see the following Trial,) can only be attributed to the very powerful influence of the parties. Besides other circumstances, which must oc-

cur on perusal of this remarkable case, the 'Inquest' bears all the appearance of a selected or packed jury, being in a very inferior rank and station of life to the pannel, contrary to the usual custom—and the private *prosecutor* is 'Mr Hector Monro of Fowles,' who was in a few hours to exchange places as pannel at the same bar for similar crimes! Hector Monro's Assise is also composed of burgesses and dependents on the families of Monro and Ross.

Jul. 22.—KATHERENE ROISS LADY FOWLIS.

Dilatit of certane crymes of Witchcraft, following.

PERSEWARIS, Mr Daid McGill of Cranfloun-Ryddell, aduocat, Mr Hector Monro of Fowlis.

PRELOQUITOURIS for the pannell, Mr Thomas Craig, Mr Johnne Chene.

The Aduocat produceit the Dittay vnderwritten, desyring proces thairvpoune; quhairof the tennour followis.

DITTAY against the Pannell.

KATHERENE ROISS LADY FOWLIS, Thow art accufit, ffor the vnnaturall abufing of thy selff, contrar the lawis of God, and exerceing and vfig thy selff maift vngodlie and wickitlie, be the perverft Inchantmentis, Wichcraft, Develrie, Incantatiounis and Sorcerie, with the craft of poyfoun in maner vnderwritin and following, particulerlie practefit, execute, devyfit and fett fordwart be thee, of thy speciall counfall, devyiffis, furth-fett and command, aganis Robert Monro thane apperand of Fowlis and Mariory Campbell, spous to George Rois apperand of Balnagowne, att the tymes and places particulerlie eftir specifeit, in company with Cristian Rois Malcome fone, and vtheris eftir specefeit. IN the fyrft, Thow art accufit, for the making of twa pictouris of clay, in cumpany with the faid Cristiane Rois and Mariorie Neyne M^cAllester alias *Laskie Loncart*, in the faid Cristian Rois westir chalmer in Canorth; the ane, maid for the destructione and confumtioun of the young Laird of Fowlis, and the vthir for the young Ladie Balnagowne; to the effect that the ane thairof fould be putt att the Brig-end of Fowles, and the vther att Ardmair, for destruction of the faidis young Laird and Lady: And this fould haif bene performit at Alhallowmes, in the year of God I^m.V^c.lxxvij 3eiris: Quhilkis twa pictouris, being fett on the north fyd of the chalmer, the faid Lofkie Loncart tuik twa elf arrow heides and delyuerit ane to ye (you) Katherene, and the vther, the faid Cristian Rois Malcumfone held in her awin hand; and thow schott twa schottis with the faid arrow heid, att the faid Lady Balnagowne, and Lofkie Loncart schott thrie schottis at the faid young Laird of Fowlis: In the meane tyme, baith the pictouris brak, and thow commandit Lofkie Loncart to mak of new vthir twa pictouris thaireftir, for the faidis persounes; quhilk the faid Lofkie Loncart tuik vpoun hand to do: And thow wes present, and saw and hard this done, and nane present in the faid chalmer except thow, the faid Cristiane Roise and Laskie Loncart. And for the mair witneffing heirof, the faid Cristiane Roise confest the famin, being accufit

thairvpoune, in prefens of Mr Martene Logie, notar publict, and Johnne Irrving of Kinnok, Johnne Wilfoun in the Chanonrie, Williame Robertfoune thair, Donald Vrquhart thair, Robert Irrving brothir to the said Johnne Irrving, vpoune the xxiiij day of November, threscoir fewintene yeires (1577). And for the mair verificatioun heirof, the said Cristiane Roifs, being atteichit and accusit for the saidis crymes, before rycht honourabill men, Walter Vrquhart, thereof of Cromertie, and Robert Monro of Fowles, Justices to our souerane lord, be his hienes Commiffioun, in ane Justice Court haldin within the Cathedrall Kirk of Roifs, the twentie aucht day of November I^m.V^c.lxxvij yeiris, confessit the famin, and wes convict be ane Assyis, and wes brint for the famin. This is manifest be the haill countrie of Roifs; quhilk thow can nocht deny.—(2.) SICLYKE, thow art accusit, for the conventioun with the said Cristian Roifs and Lorkie Loncart, in the moneth of November, I^m.V^c.lxxvij yeiris, of sett purpois for destructione of the said young Laird of Fowles and the young Lady of Balnagowne, in thy barne in Drumnyne; and thair making ane stoup-full of poysonit new aill, quhilk wes devysit to be for the young Laird of Fowles, Hector Monro, the Lairdis brother, his bairnis, the haill sonis of vmq^{le} Johnne Monro of Vrquhart, Hucheoune Monro of Assent, Andro Monro of Newmore, and the remanent of the speciall of thair kynne; sa mony of thame, as mycht be apprehendit: And becaus the said stoup ranne out and the liquour that wes in itt, except ane lytill quantitie thairof, the said Katherene causit Donald M^cKay your awin boy tak; and taisting it, incontinent thaireftir tuik feiknes, and lay continewallie thaireftir poysonit with the liquour. And this was kept in the kill of the said toun of Drumnyn, for the space of thrie nychtis, and the saidis Cristiane Roifs, Lorkie Loncart and thow, convenet the thryd day agane thairefter, in the said kill; quhair thow commandet Lorkie Loncart to mak ane pig-full of ranker poyfoune, that wald distroy schortlie the foirsaidis persounes; at quhais command the said Lorkie Loncart maid the said poyfoun, and putt itt in ane pig, and send itt to thee. This the said Cristian Roifs confessit in judgement, being accusit as said is, and wes convict for the famin; as the Proces deduceit heiranent testifeis, and as the countrey knawis; quhilk thow can nocht deny. And swa, for vsing of the said poyfoun, expres aganis the saidis Actis of Parliament maid thairanent; incurrand thairby, the panis contenit thairin.—(3.) ALSO, thow art accusit, for assisting and geving counsal, in cumpany with the said Cristian Roifs and Lorkie Loncart, in sending of ane pyg of poyfoun with the nourrice to Angus Leithis hous, quhair the young Laird of Fowles wes for the tyme; of deliberat mynd to haif poysonit him thairwith: Quhilkis thow had in keping, and thy said nourrice bringand the said pyg fra the, it fell the way, vnder sylence of nycht, and brak the pyg; and sche taistand of the famin, immediatlie thaireftir departit, be

the said poyfoun: And the famin wes devyfit for poyfoning of the young Laird of Fowles; quhilk the said Cristiane confest judiciallie, being accusit as said is, and wes convict of the famin: And for the mair witneffing, the place quhair the said pyg brak, the gers that grew vpoun the famin wes so heich by¹ the natour of vther gers, that nather cow, ox nor scheip ewir previt² thair of yit; quhilk is manifest and notorious to the haill countrey of Roifs; quhilkis thow can nocht deny: And swa, for airt and pairt of the slauchter of your nourrice foirsaid, quha deit be the said poyfoune, albeit it wes devyfit for the young Laird; as is notour.—

(4.) MAIR,³ thow art accusit, for airt and pairt, devyise and counfall, of the destructione and poyfoning of the said young Laird of Fowles; In sa far as the said Cristiane confest, that sche saw Williame M^cGilliewareycht-dame, about Pasch,⁴ in the zeir of God I^m.V^c.lxxvij yeiris, delyuer to the, in thy awin handis, ane buist⁵ of Wichcraft, within the Stank of Fowles; quhilk thow ressaute fra him, and putt itt in thy awin pouch incontinent; of sett purpois to bewich the said young Laird of Fowles thairwith; as is notoure.—(5.) FORDER, in signe and takin, that thow wes ane of the principall devyfaris of the young Lady Balnagownis poyfoning, Thomas M^cKain Moir M^cAllane M^cHenrik and vthir dewyfaris of the said destructione and poyfoune, wes be thy convoy and command, ressaute and intertinnit, in the said Cristian Roiffis hous, in the moneth of December 1577, be the space of fourtene dayes; being accusit as said is, confest the famin; quhilk thow can nocht deny.—(6.) THOW art also accusit, for airt and pairt of the poysonit drinkis maid be the, in cumpany with the said Cristiane Roiffe and Loskie Loncart, M^cGillieuorie-dame, Katherene Roifs, Donald Roiffis dochtir; quhilkis drinkis wes maid for the young Laird of Fowles and his bairnis, Hector Monro and his bairnis, and the rest of thair kin; to that effect, that thy awin bairnis sould succeid to the hous of Fowlis: And the drinkis also sould haif bene gevin to the young Lady Balnagowne, swa that the said young Laird of Balnagowne mycht marie the young Lady Fowles: And wes convict for the famin; as the Proces deduceit thairanent beris; quhilkis thow can nocht deny.—(7.) AND als, thow art accusit, for gewing command to the said Cristian Rois Malcumfoune, to gif ludgeing, herbrie and intertinnement to Marioune Neyuane M^cAllester alias Loskie Loncart, in somer 1577, of deliberat mynd, to consult with yow, anent the vsing of the said poyfoune; and be quhat way ye sould get the famin gewin to the said Laird; lyke as, ye spak with hir thairanent, in the said hous; as is notour.—(8.) AND mair, Thow art accusit, for sending of the said Cristiane, thre or foure tymes, for Johnne M^cNilland in Dingwall, in the moneth of Junij, 1577 yeiris; and the said Johnne cam to hir biging,⁶ and

¹ Beyond. ² Preed, or tasted of that grass. ³ Moreover, farther. ⁴ Easter, Paise. ⁵ Small box. ⁶ Building or house, cot-house.

remanit thair ane nycht ; and vpoune the morne thaireftir, he cam to Fowles to the, and delyuerit to the ane elf arrow heid ; for quhilk ye gaif him foure schillingis money ; quhilk thow can nocht deny.—(9.) AND forder, thow art accusit, for the talking and commoning with Cristiane Myller, dochter to Robert Myllar smyth in Affin, in the toun of Katwall, in the moneth of Junii lxxvij 3eiris, ane lang space, in cumpany with the said Cristian Roifs ; and in signe and takin, the said Cristian Myllar gatt ane half furlett of meill fra Johnne Keillis wyffe in Katuall ; quhilk the said Cristian Roifs confest, being accusit, and wes convict thairfore ; as the Proces thair of proportis.—(10.) AND also, thow art accusit, for saying to the said Cristian Roifs, that thow fould do, be all kyndis of meanis, quhair itt mycht be had, of God in heaven or of the Devill in hell, for the destructione and doune-putting of Mariorie Campbell young Lady Balnagoune ; and sche wald nocht be the fyrst reveillar and confellar of ony thing vpoune the, that wes hir lady and mestres ; quhilk sche confest, being accusit, and wes convict of the fame.—(11.) LAST of all, thow art accusit, for being in cumpany with the said Cristiane Roifs and Thomas Caffindonisch, in the place of Drummyne, att Lovatt comoning, the young Lady Balnagoun being thair, in the moneth of August, the yeir of God foirsaid ; and being sperit att be vtheris, quhat thow and Cristian Roifs and Thomas Caffindonisch wer doand thair, anfuerit, Gif thair wes ony devyise, thair it wes, for the young Lady Balnagoune wes in the kill with thame, and the famin wes confest be the said Cristian Roifs, before Rorie M^cKenzie of Arthirfailzie, and Rorie M^cRorie Alanfoune.—(12.) THOW art accusit, for the crewall slauchter, be thy craft of poyfoun foirsaid, of Marie Murdoch Moreis dochter, youre nourrice, quha deit eftir the taisting of the pyg of poyfoun, quhilk wes fend to the.—(13.) THOW art accusit, for gewing of aucht schillingis money to the said Williame M^cGillieuorie-dam to pas to Elgyne for bying rattoun¹ poyfoune ; quha wairit thair of bot faxtene penneis ; and brayit the fame poyfoune, and putt itt in ane pece ledder and delyuerit itt to the, in Junii, lxxvij 3eiris, within Stank of Fowles ; Katherene Roifs, dochter to Sir Dauid Roifs of Balnagoune,² being in counfall thair of : And to the mare verificacioun, thow delyuerit to him with the said aucht schillingis, foure elnes linning claith for his labouris ; quhilkis he confest, being accusit judiciallie, and wes convict be ane Affyis, and brunt for the famin, as the hail countrie knawis.—(14.) ALSO, thow art accusit, for ressaung of certane poyfoun, quhilk wes brocht to the be the said Williame M^cGillieverie-dam, quhene thow 3ait (went) to thy chalmer, in that nycht in Williame Monrois hous, be the hand of Katherene Roifs, dochter to Sir Dauid Roifs ; quhilk the said Williame M^cGillievorie-dam confest,

¹ Poison for rats, ratsbane.

² She afterwards married the well-known Sir William Sinclair of Mey, who, when a boy, was a leader of the riot at the High School of Edinburgh, and killed John MacMorran, one of the bailies, while attempting to quell the disturbance, September 5, 1595.

being accusit; and wes convict be ane Assyse, and 3aid to deid with the same.—
 (15.) AND also, thow art accusit, for sending the said Williame M^cGillievari-dame
 to the Egyptianis,¹ to haif knowlege of thame, how to poyfoun the young Laird
 of Fowles and the young Lady Balnagoune; quhilk the said Williame grantit,
 being accusit, and wes convict for the same.—(16.) AND forder, thow art accusit,
 for ressauing of the rottoun poyfoun, quhilk the said Williame M^cGillievari-dame
 confest he bocht fra Thomas Roifs, merchant in Aberdene, in Elgne, without
 ony filuer gewin thairfore; and thaireftir for poyfoun, quhilkis he bocht in
 Tayne, and delyuerit itt to the, and thow baid him keip secreit sic thingis as
 thow patt² to his charge, anent the bying of the said poyfoun; quhilk the
 said Williame grantit, being accusit and judiciallie convict for the same, be
 the Assyse.—(17.) ALSO, thow art accusit, for continewing in thy former wick-
 itnes and develrie, quhen Williame M^cGilliveri-dame was send for be the, in
 the moneth of Maij, anno lxxvij, Donald M^cKy being messinger, to the toun
 of Taine; and thaireftir, he com to Fowles and spak with the, ane lang space,
 quhair thow sperit at him, Gif he had mair of the poyfane to gif the, for
 that poyfoun thow had gottin of befoir, was our³ litill to serve thy turne; and he
 said, he had nane ready at that tyme; and refuist, without the Laird thi bro-
 thir waigait.⁴ And siclyk, thow sperit at the said Williame, Quhiddir the poy-
 foun foirsaide servit bettir to be gevin in eggis, browis or keill? And he anfuerit,
 that thow fuld dres the same as thow thocht guid, and grantit to the said Wil-
 liame that thy brother, the young Laird of Balnagown, knew of the said poyfoun
 alse weill as thow did; in taikin quhair of, thow send furst to him out of the place,
 with Donald M^cKay, ane stoip of guid aill, with breid and cheis; quhilkis the
 said Williame grantit, being accusit, and was convict for the same; as the
 Proces thair of beris, and is manifest to the haill contrey.—(18.) ALSE, thow art
 accusit, for quyet and lang conference with the said Williame M^cGillevar-dame,
 in Williame Munrois chalmer, in Culcragy, in October, anno lxxvij, Katherene
 Rois being present, anent the former purpos of the down-putting of the young
 Lady Balnagowne; thow gaif him vse of vadge;⁵ and on Witsfunday evin, the
 said yeir, for the said cause, thow gaif him xx s. And siclyk, thow causit Johnne
 M^cFindlay Moir, in Miltoun of Catuall, to delyuer to the said Williame M^c-
 Gillevari-dame, in summir the said yeir, ane firlof of meill; quhilkis he confest,
 being accusit, and was convicte for the same.—(19.) ALSO, thow art accusit, for
 causing of Agnes Roy, ane vther of the Vichis, to pas for Loske Loncart to speik
 with the, in midsumir, in anno lxxvj; quha spak to the, that thow wald gang
 in Hillis to speik the elf folk; and gif the cace wer, that the young Lady of Bal-

¹ Gipsies.
 bribed or hired him.

² Entrusted.

³ Too.

⁴ Hired him, was his employer.

⁵ Wages, feed,

nagown departit, that scho had spokin to the, gif the young Laird of Foulis deit, the young Laird of Balnagoun wald mair (marry) the young Lady Foulis (his) wyf: And thow gaif to the said Williame M^cGillevori-dame fyve ellis linning clayth, in the moneth of September, anno lxxvj; and on Pasche-day thaireftir, xvj s. be Williame Cuikis sone; quhilk the said Agnes confessit.—(20.) ALSO, thow art accusit, for the assisting with the said Agnes Roy, speciale, quhen scho was passing for Marrioune M^cKaine M^cAlester alias *Loske Loncartis*, cumand the way with hir, enterit in speking, and scho said, ‘Scho wald mak bodyis of clay hir self, Cristian Malcolmfone and Gradache Malcomfone;’ and quhen the said Agnes Roy sperit at hir, ‘To quhat effect the said bodyis of clay fuld be maid?’ Quha anfuerit and said, ‘That ane of thame wald be maid to the young Lady Balnagoun, and the tothir to the young Laird of Fowlis.’ And the said Loske Loncart com that nycht to Canort, at midfomer, the yeir of God foirsaid: And alse, Agnes Roy confessit, that thair was fik thingis, and taikinis betuix her and the, and Katherene Ros Sir Daudis dochtir, that at quhat tyme the said Agnes Roy had cum in fra Williame M^cGalleveri-dam or Loske Loncart, vithe thair myndis and anfueris, to the and Katherene Ros Sir Daudis dochter; in caise thair war ony man or woman in the company, quhilk they war nocht privat of thair secretis, than the signe and taikin was, that the said Agnes Roy fuld vring and greip thair handis or stamp vndir feit; quhilkis promissis the said Agnes Roy confessit judiciallie, being accusit, and was convict be ane Assyise; as the Proces beiris.—(21.) THOW art accusit, for geving of twa ellis of gray cleyth and ane fark, with xij s. iiij d. money, quhilk Johne Syidserf delyuerit at thy command to Johne M^cFarcor, cuik to the young Laird of Balnagoun, quha had cumin thre tymis to Fowlis, and was in speking with the and Katherene Neynday at ilkan of the saidis tymes; and the said Katherene Neynday passing out of the said toun of Fowlis, tuik with her, at thy command, rattoun poyfoun to Ardmuir, and delyuerit it to the cuik, to mix it with ane kiddis neir,¹ quhilk the young Lady Balnagoun and her cumpany fell that nycht:² And Katherene Neynday, being in Ardmuir that time, skunnirrit³ with it sa mekill, that scho said, that it was the fairest and maist cruell sicht that evir scho saw, seing the vomit and vexacioun that was on the young Lady Balnagoun and hir cumpany; of the quhilk poyfoun, the young Lady Balnagoun contractit deadlie feiknes, quhairin scho remanis ye (yet?) incureable; as is notorlie knowin, and was confessit be the said Agnes Roy, being accusit judiciallie, and was convict be ane Assyise thair of.—(22.) MAIR, thow art accusit, for causing of Loskie Loncart mak ane poyfoun drink, devysit be Loskie Loncart, and reueilit to Katherene Ros Neynday, and was ordanit to be gevin to the young Laird of

¹ A kid's ear or kidney. ² A young deer, killed by the company in the chase. ³ Revolted at the sight.

Foulis and fuld haue bene maid in Neyn Schallonis hous, in Drummyn, at Alhallowmes, in anno lxxvij yeris.—(23.) MAIROUR, thow art accusit, for assist-
ing of the said Gradoche Malcolmesoune, quha confessit, that Marioune Rofs alias
Loske Loncart, schew hir secretlie, that thow desyrit hir to cut of Robert Mon-
roy apperand of Fowlis, and Hector Munroy of Killry, Huchoune Monroy of
Affoun, Robert Munroy sone to the said Hector, with threttie of his best kin-
nismen, and Katherene Rofs dochtir to Sir Daudid Rofs; quhilk is notorious.—
(24.) THOW art accusit, for assisting of Thomas M^cKane More M^cAllane M^c-
Euoch in all his vngodlie Wichcraft and Devilrie; and speciallie, quhen the said
Thomas was send be George Rofs, young Laird of Balnagoune, to Farndrocht
to the, convoyit with Donald M^cMilane and Johne Sutherland, brothir to Alex^r
Sutherland, the first hous he com to, was Cristian Malcolmis hous in Tane, and
was refaut plesandlie and weill intertinit that nycht be Cristiane Malcolmsoune,
thow sperit at this ¹, gif it was hir that said, that hir brother wald be
slaine; the Lairdis of Foulis eldar, youngar and thow, being at that tyme in Affin:
And out of that departit Kandlochglais; quhilk tyme, was the xvj day of Au-
gust, anno lxxviij yeris: And vpoune the morn thaireftir, being the xvij of Au-
gust, thow com doun out of Affin to Canort, and thair spak with the said Thomas
at lenth, and thair desyrit him to vse his craft, for putting doun of the said
Mariorie Campbell young Lady Balnagoune; and thow promesit to reuard him
gretumlie. And for mair sure performing of the said young Lady Balnagoune,
thow directit George Cuik, sone to William Cuik in Foulis, to Taine, to twa ve-
men, (the ane callit Marioune Neynnane Adame M^cAlester *alias Loske Lon-*
cart, and Cristiane Smyth dochter to Robert Smyth in Affint, quhilkis vemen ar
haldin and reput rank commoune Vichis in the countrey,) for ane elf-arrow-heid,
quhilk the said George Cuik ressaueit fra the, and delyuerit in presence of Cris-
tiane Malcomesoune; quhilk thow kepit in thy awin keping; lyk as the said
Thomas confessit the samyn, being accusit, and was convict thairof.—(25.) FOR-
DER, thow art accusit, for the keping cumpanie with George Rofs young Laird
of Balnagoune, in ane kill in Drumnene, vpoune the xxiiij day of August, anno
thriescoir sevintene yeiris, Cristiane Malcumsonis dochter and the said Thomas
was present thair; the said George Rofs of Balnagowene standing, his bak at
the dore, and ane vand in his hand, desyrit the said Thomas to do that thing
quhilk he wes to put to his chairge, tuicheing the destructione of his wyfe and
the young Laird of Fowlis; and he fuld giue him ane garmounthe of cleis² for
his travellis; quhilkis the said Thomas confessit, being accusit, (and) wes con-
victit for the samen, as the Proces beiris.—(26.) THOW art accusit, for assisting
the said Thomas, Cristiane Malcomsone, (and) Marioune Nieyn M^cAllaster, vpoun

¹ Left blank in record.² Suit of clothes.

the secund day of Julij, anno threfcoir fevintene yeiris, for making of ane pictur of butter to the said young Robert Monro Laird of Fowlis, in the said house of Caynort, be the devyse and consultatioun of the said Donald and Williame M^c-Gilleuerie, and the said pictur of buttir, eftir it wes maid, wes set at the wall-fyd in the vester chalmer of the said hous of Coynard, and wes schot at with ane elf-arrow-heid be the said Marioune Neyuen M^cAlester *alias Loske Loncart* aucht tymes; quhilk pictur scho mist, and haid (hit?) na pairt thair of: And thow (and) Cristane Malcomfoune being present in the said chalmer, att the schotting of the said pictur, thinkand gane the pictur were hit, it wald be for the destructioun of the young Laird of Fowlis: Lykas, said Thomas was convict for the famin, and sufferit the deid.—(27.) ALS, thow art accusit, for being in cumpanie with Cristane Malcomfoune and Marioune Neyn M^cAllester *alias Loske Loncart*, with the devyse and consultatioun of Donald and William M^c-Gilliourois, made ane vther pictur of clay to the said Robert Monro young Laird of Fowlis, in the said hous of Conord; and so it was maid vpoun the morne, the vj day of Julii, anno lxxvij yeiris: Thay sat the pictur at the wall-fyd of the chalmer of the said hous, and wes schott be the said Cristane Neyne M^cAllester *alias Loske Loncart*, with the said elf-arrow, tuelf tymes, and mist the said pictur: And persauing that ye mist the famin efter everie schott, and maid the said pictur diuerse and findrie tymes, yit the famin tuk nocht effect to thair purpoise; thow and the said tua womene, thy collegis, being present for the tyme, and uising¹ ane takin of the famin; the said Cristane Ros Malcomfoune haid provydeit thre quarteris of fine linning claithe for the picturis, giue² thay haid bene hit with the elf-arrow-heid, and the linning to be bound about the said picturis, and the picturis to haue bene erdit,³ vnder the Brigend of the Stank of Fowlis, fornent the zet:⁴ Of the quhilkis premiffis the said Thomas was convict, and sufferit the dethe for the famin: as is notorious knawin to the haill cuntrie.—(28.) AND siclyke, thow art accusit, and (art) ane that vnderstuid thy self giltie in thy conscience, of the crymes for quhilkis thay⁵ complices aboue wrettin wer convictit; and ane day or tua befor the burning of thame, thow vnderstanding that thay, being examinat, wald convict ye of Wycheecraft, Sorcerie and poyfoune, in respect money of thame knew thay secreittis, and was practifeiris of thy devyfis; thow came quhair tua notaris was, owt of the presence of ony Juge, and befor the fenfing of ony Court, and ther, befor tua or thrie previe witneffis, declarit, that thow was bruttit and sclanderit with Wichcraft and Sorcerie, and that thow was reddie bydand the tryall thereof; and seing

¹ Wishing, witching, using witchcraft to procure a token, or testimony of success, in their destruction of the young Laird of Fowlis. ² Gift, if. ³ Earthed, buried under ground. ⁴ Gate, yett. ⁵ These.

thair was na manne to accuse the, thow requirit instrumentis ; albeit, for feir of thai vitious lyfe, thou neuer came iudicialie to offer the famin : And immediatlie eftir the taking of the said instrument, thow haid thy horse alredie drawin furth of the stabill, and fled away with diligence, as fugitiue out of the cuntrie, to Cathenis ; quhair thow remanit, for the space of thrie quarteris of ane yeir ; *in signum* and takine, that thow thought not to byid in the tryall ; quhill at last, be lauborrous and moyane of vmq^{le} George Erle of Cathanis, hir (thy) husband wes persuadit reffae him (thee ?) home againe.—(29.) AND lykwayis, this instant yeir of fourfcoir and nyne, the Laird of Fowlis purchest¹ ane Commissioun, for punisfchment of certaine Wichis and Sorceris ; Befoir any publicatioun thairof, and or² he micht have conuenient tyme to put the famin in executioun, in respect of the trublis that incuirit in the Northe, thow, knawing thai self giltie, and feiring to byd the tryall of ane Assyse, fand the moyane to purchese ane Suspenfioun of the said Commissioun ; and caufit insert in the said Suspenfioun, nocht onlie thay awin name, and sic vtheris as was specifiet in the said Commissioun, but also certaine vtheris quha wer nocht spokin of : As the said Commissioun and Suspenfioun thairof, producit befor the Secreit Counfall, at mair lenthe beris : Quhilk, giue³ thow haid beine ane honest womane, and willing to abyd tryall, thow wald neuer have crafit Suspenfioun of ony sic Commissioun ; but rather wald haue forderit the famin.

THE said Katherene, efter reding of the said Dittay, denyit the famin and haill pointis thairof ; and offerit hir reddie to byde the Tryell of the persounes of Assyis, summond to that effect.

ASSISA.

Johne Sympsoun of Bannaus,	Donald Tailyeour, burges of Tayne,	Andro McCullo, burges of Tayne,
Johne Clwnes, sone to Alexander	Tayne,	William Rois thair,
Clwnes, burges of Cromartie,	John Reid Farquharfoun, burges	Alex ^r Hay, burges thair,
Donald Rofs Williamfoun,	thair,	Alex ^r McKenzie apperand of
in Gane,	Rannald M ^c Ser Duncanfoun,	Fardane,
John Rois in Muldard,	burges thair,	Donald McGilliequhoan, burges
Duncan Bayne apperand of	William Kemp in Dingwall,	in Dingwall.
Tulleich,	Alester M ^c Donald M ^c Alester thair,	

VERDICT. Quhilkis personnes of Assyis, being all chofin, fworne and admittit to pass vpoun the Assyis of the said Catherine, scho being accusit be dittay, thay removit furth of Court to the Assyis hous, quhair thay chofit John Sympsoun of Bannaus chancellor of the said Assyis : And thairefter votit vpoun the poyntis of the said dittay ; and being throuchlie resoluit thairwith, re-enterit agane in court ; quhair thai, be the mouth of the said Chancellor, in presens of the said

¹ An old forensic term, synonymous with procuring, or obtaining, by payment of the usual official fees.

² Ere. ³ If.

Justice-depute, stand, pronuncit and delyuerit the said Catherine, to be innocent and quite of the haill poyntis of the dittay.

Quhairvpoun scho askit instrumentis.

THE samyn day, David Rois of Holme and William Dolace apperand of Buddet, Donald Rois of Balnamukkie, Thomas Vmphra in Elgyn and John Innes of Lewcheris, oftymes callit, to compeir befor the Justice or his deputes, the said day and place, in the hour of caus, to haif past vpoun the Affyis of the said Katherine, dilatit of the crymes aboue writtin; lawfull tyme of day biddin, and nocht comperand to that effect; thay and ilk ane of thame wes vnlawit, in the pane of fourtie pundis.

Sorcery — Incantation — Witchcraft — Slaughter, &c.

Jul. 22.—MR HECTOR MUNRO of Fowles.

Dilatit of certane crymes of Wichecraft.

The samyn day, comperit Mr David M^cGill of Cranstoun Riddell, Aduocat to our souerane lord, as persewar, and produceit the Dittay vnderwrittin; quhair of the tennour followis.

DITTAY against the Pannel.

MR HECTOR MONRO, Ye ar indytit and accusit, ffor samekle as, it is Statute and ordanit, be the Actis of Parliament, that nane vse Sorcerie, Incantatiounis or Wichecraft; and that nane seik responffis at Wichis, vnder the payne of deid, and confiscatioun of all thair guidis movable; as the saidis actis beris: AND trew it is, that ye the said Mr Hectour, in the month of August I^m.V^c.lxxxviij yeiris, send for Johne M^cConeill-gar and his wyffe, and Johne Banes wyffe, in Lytill Alteis, thre notorious and commoun Wiches; and caufit convoy thame to Johne Murrays house in Bakine, quhair ye ressaute thame, but¹ knowlege of the said Johne; intertinneit thame with yow, be the space of fyve dayes or thairby, and socht responffis and consultatioun att thame; quha poillit² the hair of Robert Monro, your brotheris heid, and plait the naillis of his fingeris, and tais, socht be thair develisch meanis to haif cureit him of his seiknes; quha wald haif vfit furth the rest of thair develisch craft, war nocht thay ferit to tarie with yow, be resfoun of your fader, quha wald haif apprehendit thame; and thay declarit to yow, that ye was owre³ lang in sending for thame, swa that thay could do na guid to the said Robert Munro your brothir:—Lyke as, ye, in the samyn moneth, for feir of your fader, convoyit thame away, vnder sylence of nycht: Quhilk is notourlie knawin to the haill countrey.—(2.) ITEM, Ye ar indytit and accusit, ffor samekle as, ye, in the moneth of Januar I^m.V^c.lxxxviij yeir, haifing tane seiknes in the samyn moneth and yeir of God foirsaid, send youre seruand Hector M^cHuchefoune M^cIntagart, to serch and seik Marioune M^cIngaruch, ane of the (maist) notorious and rank Wichis in all this realme, quha

¹ Without.

² Polled or cut.

³ Too.

brocht and convoyit hir to yow, on your awin horſe, to Johne M^cIntailzeouris hous in Alnes, quhair ye wes lyand ſeik att that tyme; quhair ye ſocht reſponſis att hir, and travellit to be curit be hir devilifch Incantaciounis and Wichcraft: Lyke as, ſche, eftir hir cumming to yow, gaif yow thre drinkis of walter furth of thre ſtanis, quhilkis ſche had; and eftir lang conſultacioun had with hir, ſche declarit, that thair wes na remeid for yow to recover your health, without the principall man of your blude ſould ſuffer death for yow; and ye and your complices, haifing raknit with your ſelffis, quha this ſould be, fand that it wes George Monro, eldeſt ſone to Katherene Roifs Lady Fowles: And than, eftir finding furth of this develifch devyce, for your releif, ye and the ſaid Wich concludit with your ſelffis, that nane ſould haif entres to the hous quhair ye lay, quhill¹ your brother George ſould cum: And eftir his cumming to yow, the ſaid Wich defyrit, that ye ſould gif him your left hand, and ſould tak him be the rycht hand; and that ye ſould nocht ſpeik ane word to him, before he ſpak fyrſt to yow:—Quhilkis iniunctiounis ye kepit, ſeing thair wes nocht ane of your freindis that gatt entres to yow, quhill the ſaid Georges cumming; nochtwithſtanding that diuers of thame come to viſſeit yow. And for the better performance of your develifch purpois, ye ſend for the ſaid George daylie, for the ſpace of fyve dayes, alſweill to his duelling-hous, as to vthir partis of the cuntry, quhair he wes att the huntis; deſyring him to cum to yow, quhair ye wes lyand ſeik: Lykeas, the ſaid George, feiring na ewill of yow, come as ane loving brothir to the ſaid M^cIntailzeouris hous, quhair ye wes; thair being nane with yow, bot the ſaid Wich, and your foſter-moder Criſtian Neill Dayzill, and hir dochtir: And eftir his cumming to yow, ye vſit the iniunctiounis gewin to yow in maner foirſaid be the ſaid Wich, and gaif your left hand in his rycht hand, and ſpak nocht to him for the ſpace of ane houre, vnto the tyme he fyrſt requyrit of yow, ‘How ye did?’ And ye anſuerit him, and ſaid, ‘The better that he had cum to viſſeit yow;’ and ſpak na mair to him, nochtwithſtanding ye ſend ſewin poiſtis² to him ofbefore. Swa that that nycht, att ane eftir mydnycht, the ſaid Wich, with certane of hir complices, paſt furth of the hous quhair ye lay, and tuik with thame ſpaidis, and paſt to ane pece of eird³ lyand betuix twa fondrie ſuperiouris landis, the kinge being the ane ſuperiour, and the Biſchop of⁴ the vthir; and maid ane graif of your lenth, and take vp the ower⁵ pairt thairof, and laid it aſyde; the ſaid eird being the neir the ſee flude: And this being done, ſcho come hame and convenit certane of your familiaris, that knew thir ſecreittis, and informit thame, quhat ſould be everie anes pairt, in taking of yow furth to be eirdit⁶ in the foirſaid graif; for

¹ Until. ² Expresſes or meſſengers. ³ Land, *earth*, ground. ⁴ Left blank. ⁵ The *over* or upper part, the green ſod or turf. ⁶ Earthed, laid in this grave or trench.

youre releif, and to the death of your broder George:—Quhais anfuer was, ‘ That gif George shoud depairt suddanlie, that the brute¹ wald ryife, and all thair lyves wald be in danger;’ and thairfoir willit hir to delay the said Georgis death ane space; and scho tuke on hand to warrand him vnto the xvij day of Apryle nixt thaireftir: And efter thir plattis, laid be the said Witch, scho and certane your ferwandis, in the said moneth of Januar I^m.V^c.lxxxviij yeiris, pat yow in ane pair of blankettis, and careit yow furth to the said graif; and thay war all commandit to be dum,² and nevir to speik ane word; vnto the tyme that scho and your foster-moder sould first speik with hir maister, the Dewill: And being brocht furth, wes laid in the said graif; and the grene eird, quhilk wes cuttit, wes laid abone, and haldin doune with stalfis; the said Witch being befyde yow: And the said Cristian Neill, your foster-mother, wes commandit to ryn the breid of nyne rigis, and in hir hand Neill younger, Hector Leithis sone; and how sone the said Cristian had run the breid of the said nyne rigis, scho come agane to the graif, quhair ye was lyand, and inquyrit at the said Witch, ‘ Quhilk wes hir schois?’³ Quha anfuerit and said, that the said ‘ Mr Hector wes hir schois to leif, and your brother George to die for you.’ And this forme wes vsit thryife that nycht: And thaireftir, ye was careit hame, all the cumpanie beand dum; and wes put in your bed.⁴—To the taken, that ye was partaker of Wichcraft, and that ye allowit thairof, and socht resposis of the said Marioune the Witch; how sone ye gat your health, be the dewelisch moyan foirsaid, ye past to Hector Monro of Kildrummodyis, your fader-brothiris hous, and tuke the said Witch with yow; quhair scho wes interteneit, as gif scho had bene your spous, and gaif hir fik pre-eminence in your cuntrey, that thair was nane that durst offend hir; and gaif hir the keping of your scheip, to cullour the matter, that ye knew hir nocht: And quhen the Kingis Maiestie requyrit yow to present hir to his hienes, ye refusit hir, vnto the tyme that the said Lady Fowles tuke in hand to preif, that scho was in your hous of Fowles; swa that ye, aganis your will, wes compellit to present hir at Abirdene; quhair scho being examinat before his Maiestie, and produceit the stanis scho gaif yow watter out of, the quhilk wes the deith of the said George; haifing denyit of before, that ever scho saw yow with hir: And quhilk stanis wes delyuerit to the Justice-

¹ Fr. *Bruit*, report, hue and cry. ² Dumb, speechless. ³ This word at first sight seems to signify *shoes*, viz. that Hector should stand in George’s shoes, and George in Hector’s. It rather implies the *choice* of the sister-witch, after the Incantation was completed; who accordingly chooses Hector to live, and George to die. The whole ceremony is *unique*, and calculated to produce a very strong impression on the spectators, especially on the mind of their novice in the ‘graif,’ who afterwards appears to have been led by the nose by these hags, as effectually as if by St Dunstan’s far-famed pincers. ‘A pretty effectual cooler this must have been ‘at ane efter mydnycht,’ in the ‘moneth of Januar!’ St Januarius himself, or even Dr Grahame, the earth-bather, would have shrunk from such an ordeal with horror!

Clark in keping.—ITEM, Ye ar indytit, for airt and pairt of the crewall, schamefull and odious slauchter of the said vmq^{le} George Monro your brother, be the Inchantmentis and Witchecraftis vfit vpoun yow, and be your dewyife, be speking to him within your bed, taking of him be the rycht hand, conforme to the iniunctionis gevin to yow be the said Marioune Ingareach, in the said moneth of Januar I^m.V^c.lxxxviiij yeiris; throw the quhilk Inchantmentis, he tuke ane deidlie feiknes, in the moneth of Apryle 1590 yeiris; and continewand thairin quhill Junij thairefter, deceiffit in the said moneth of Junij, being the thrid day of that instant. To the mair testificatioune, that ye ar giltie of the said cryme, ye being chargeit to present the said Wich, ye had hir vpoun your landis and bigingis, and within your toune; and hes put hir asyd, the saxtene day of July instant.

QUHILKIS poyntis of Dittay, the said Mr Hector Monro allutirlic denyit; and offerit him reddie to abyde the tryell of ane Affyse thairfore.

ASSISA.

Alexander M ^c Kenzie, apperand	Donald M ^c Gilliequhorne, thair,	Alexander Hay, burges thair,
of Sturdrum,	Johne Vaus of Lochslum,	Thomas Mansoun, burges thair,
Duncane Bayne, apperand	of James Corbett, portionar of	Johne Reid Farquharfoune, bur-
Tullich,	Arboill,	ges thair,
Williame Kempt, in Dingwall,	Andro M ^c Culloch, bailze of	W ^m Innes, portionar of Midgame,
Rannald M ^c Ser Duncanfoune, bur-	Tayne,	Angus M ^c Culloch in Eistir Aird,
ges of Tayne,	Donald Tailzeour, thair,	Robert Phayne, thair.

VERDICT. The Affyse, be the mouth of the said Johnne Vaus of Lochslum, Chancellor, in presens of the said Justice-deput, ffand, pronunceit and declarit the said Mr Hector Monro, to be acquit and innocent of all the heidis of the said Dittay: Quhairvpoun he askit instrumentis.

THE samin day, Alexander M^cThomas alias Thomfoune, burges of Tayne, and Johnne Dingwall of Kildyn and Thomas Vmphray, burges of Elgyne, oft tymes callit to haif comperit before oure fowerane lordis Justice or his deutes, the said day and place, in the hour of caus; to haif past vpoun the Affyse of the said Mr Hector Monro of Fowlis, dilatit of the crymes abouewrittin, lauchfull tyme of day biddin, and nocht comperand, thay, and ilk ane of thame, wes vnlawit in the panes contenit in the Actis of Parliament, viz. Fourtie punds.

[*Mr James Wardlaw, Justice-Depute.*]

Slaughter.

Jul. 30.—JAMES VEICH apperand of North Syntoune, Andro Veich, brother to James Veich of Tourhop.

Dilatit of airt and pairt of the slauchter of vmq^{le} Johnne Twedie, tutour of Drummalgear and burges of Edinburghe; committit the xxiiij day of Julij instant.

PERSEWAR, Magdalene Lawfoun, the relict.

PRELOQUITOURIS, Mr Williame Somervall, Viccar of Kirbene, Mr Daudid McGill, Aduocat.

PRELOQUITOURIS for the pannell.

The Erll Bothwell, The Lord Fleming, The Laird of Balcleuch, The Abot of Melroife,
The Laird of Ormiftoun, The Laird of Greneheid, Mr Johnne Prestoun, Mr Alexander King.

The Juftice, vpoun alledgeances proponit, and anfueris maid thairto in the Minute-buik, continewis all proceeding in this mater to the morne. ‘ Wardat. vpoun allegeance.’

[*Mr Johnne Grahame, Justice-Depute.*]

(Nov. 28.)—The Juftice, being auifit with the Interloquitour vpoun the allegeances maid be Mr Williame Oliphant, *excufatorio nomine* for Johnne Lord Fleming, concerning the nocht vnlawing of James and Andro Veichis, for the flauchter of vmq^{le} Johnne Twedie, tutour of Drummelgear, and anfueris maid thairto be the Aduocat; ffand, that thay fould be vnlawit, nochtwithftanding the faid allegeance.

The famin day, Williame Veich of Daik and Andro Broune of Hairtrie, as cautioneris and fouirteis, coniunctlie and feuerallie, wer vnlawit, in the pane of ten thowfand poundis money of this realme, for the nonentrie of James Veich, apperand of North-Sintoun, and Andro Veich, brother to James Veich, apperand of Tourhoip, before oure fouerane lordis Juftice, or his deputes.

Contravention of the General Band, &c.

Aug. 6.—GEORGE HWME of Crammie-cruik, William Reidpeth of Grinlaw, George Hwme of Weddirburne, Patrik Hwme of Polwart and thirty-two others.

Dilatit of the contraventioune of the Generall Band and of the Actis of Parliament, in nocht prefenting of thair menne before the Juftice or his deputes, in Juftice Courtis; and for nocht removing of thair tennentis, fugitiues, of (off) thair landis; conforme to the faid Generall Band.

(Aug. 7.)—The greateft proportion of the pannells were acquitted; the remainder were either continued or ‘replegiat’ to the Regalities of Thirlftane, Jedburghe-fforest, Melroife, &c.

Taking of a Messenger, &c.—Besieging and taking the Place of Fedderat.

Aug. 8.—EDWARD CRAWFURD of Corbishill, Johnne Crawford in Cal-lane and Andro Innes in Turray.

Dilatit of the taking of Johnne Fairwadder, meffinger, and deferteing of him in executioun of his office, he beand in the executioun thereof; and speciallie, in the executioun of our fouerane lordis lettres, purchest at the instance of

Alexander Irving of Drum, aganis George Crawford of Fedderett; and for affageing of the Place of Fedderett, taking of the famin be strang hand; and vtheris crymes, contenit in the lettres direct thairvpoune.

Continued to the Aire of 'Abirdene, tertio Itineris, vel xv dierum.'

[*Mr Humphrey Blyndschelis, Justice-Depute.*]

Witchcraft—Slaughter, &c.

Aug. 17.—JONETT GRANT *alias Gradoch* in Colquhatstane and Jonett Clark *alias Spalding* in Blalach.

Dilatit of certane crymes of Wichcraft.

PERSEWARIS.

Mr David McGill of Cranftoun-Riddell, Aduocatt, The Laird of Wardes (William Leslie).

The saidis persounes on pannell denyit the Dittay redd to thame; and offerit thame to the tryell of ane Assyse.

VERDICT. Arthoure Skene in Tulloch, Chancillar, delivered the Verdict of the Assyse, whereby 'thay fand, pronunceit and declarit the said JONETT GRANT *alias Gradoch*, to be fylit and convict of the crewall Murthour of vmq^{le} Alexander Abircrumbie of Ley, be Wichcraft: AND of vmq^{le} Gordoune, sone to beld¹ Johnne Gordoune: AND of the slauchter and distructione of faxtene heid of nolt,² pertening to William Roife in Birsebeg: AND of the slauchter of vmq^{le} Elspet Reit be Wichcraft: AND als, of the rasing of the Dewill, and seiking of help to Duncan Rychie: AND als, for the slauchter of Johnne Pantounis wyffe, be Wichcraft. ITEM, of the taking on hand, to haif distroyit the Laird of Cragievar, his sone and vtheris.—ITEM, fand and pronunceit the said JONET CLARK *alias Spalding*, to be fylit and convict of the slauchter of vmq^{le} Johnne Leslie of Wardes,³ be Wichcraft: ITEM, of the slauchter of the said vmq^{le} Elspet Reit: ITEM, for gewing of ane secreit member to Johnne Coutis; and gewing and taking of power fra findrie mennis memberis: ITEM, fylit of taking of Johnne Wattis secreit member fra him: ITEM, for bewiching of Caddell, sone to Allester Caddell in Bandorie: ITEM, fylit for taking in hand, to help Johnne Reoch in Dalquhing of his seiknes, be Wichcraft.—ITEM, pronunceit the saidis Jonet Grant and Jonet Clark, to be fylit and convict for commonne notorious Wichis.'

SENTENCE. For the quhilkis cauffis, the Justice, be the mouth of James Scheill, dempstar, adiudgeit thame to be tane to the Castell-hill of Edinburghe, and thair wirreit at ane staik, and thair body to be brunt in assis; and all thair movabill guides to be escheit and inbrocht to our fouerane lordis vse, as convict of the saidis crymes.

¹ Bald.

² Cattle, oxen.

³ See the Trial of Bessie Roy, Aug. 18, 1590.

Sorcery—Incantation—Witchcraft, &c.

Aug. 18.—BESSIE ROY, nurreych¹ to the Laird of Boquhane.

Dilatit of the poyntis of Wichcraft following.

PERSEWARIS, Leslie, eldar of Wairdes, Mr Williame and George Lesleis his fones, Mr David McGill of Cranstoun-Ryddell, Aduocatt to our souerane lord, for his hienes intres.

DITTAY aganis Bessie Roy.

BESSIE ROY, in Fetterneir, seruand to the Laird of Boquhane;² Ye ar indytit and accusit, that quhair, ye, beand duelland with Williame King in Barra, be the space of tuel yeiris fyne or thairby, and haifing past to the feild to pluk lint with vthir wemen, in presens of thame maid ane compas in the eird, and ane hoill in the middis thair of: And thaireftir, be thy conjuratiounes, thow caufit ane grit worme cum fyrst out of the said hoill, and creip owre the compase; and nixt ane lytill worme, quhilk crap owre also; and last, caufit ane grit worme cum furth, quhilk could nocht pas owre the compas, nor cum out of the hoill, bot fell doune and deit: Quhilk inchantment and Wichcraft thow interpret in this forme:—That the fyrst grit worme that crap owre the compas, was the Guid-man, Williame King, quha fould leve; and the lytill worme, was ane barne in the Guid-wyffes wamb, quhilk wes vnknawin to ony manne that sche was with barne; and that the barne fould leve; and thrydlie, the last grit worme thow interpret to be the Guid-wyffe, quha fould die: Quhilk com to pas eftir thy speiking, quhow sone sche wes delyuerit of the said barne. And this is manifest to the haill countrey; quhilk thow can nocht deny.—ITEM, Ye ar indytit and accusit, for away taking, be Wichcraft, of ane puir womanis milk, callit Bessie Steill, quha cam to Williame Kingis hous in Bairoch, feking almes; and haifing sittin doune besyd the fyre, to gif hir barne souk, thow in the meane tyme, being ane nurrisch thy selff, and persawing the puir woman to haif mair abundance of milk nor thow had; and feing that the Guid-wyffe thy huffie³ fould haif detenit the puir woman, and gewin hir the barne to foster; thow, be thy develisch incantatiounes and Wichcraft, abstrakit and tuik away hir milk: And immediatlie eftir the puir woman wes past out of the hous, scho persawit hir milk to be tane away, come agane to the said hous, and complenit to the Guid-wyffe, that the nwrisch had takin away hir milk; and said, Gif scho wer nocht restorit to hir milk, sche fould devulgat the same throw the countrey, and schaw how ye had vfit hir. And thow, fering thy dewelisch craft to be revelit, said to the puir womane, ‘Gif I haif thy milk, cum sic a nycht to me to this hous, and ask itt for Godis saik, and thow fall haif itt.’ Lyke as, the said puir woman, being gled to ressaue hir milk agane, come that same nycht as thow ap-

¹ Nurse, Fr. *nourrice*.

² John Leslie.

³ Housewife, mistress.

poyntit hir, and lay in the hous besyd ye all nycht; and about the middis of the nycht, thow cryit vpoun hir and walknit hir, and baid hir ressaue hir milk; and incontinent sche walknit, and hir palpis sprang out full of milk, and remanit with hir thaireftir. This thow did, as is notourlie knawin to the haill countrey, and thow can nocht deny.—ITEM, thow art indytit for ane commoun awaytakir of wemennis milk in the haill countrey, and detening the famin att thy pleafour; as the haill countrey will testifie. The quhilk thow can nocht deny.—ITEM, thow art indytit and accusit, for the bevisching¹ of William Kingis wyfe of Barraucht, tuelf yeiris senfyne or thairby, for your diuilishe devyse, eftir thow haid left hir seruice; thow caufit propyne² hir with ane plaid of thine, quhilk, beand full of inchantmentis and forcerie, being laid one hir bed, cauffit hir suddentlie thereftir depairt:³ Quhilk is notorius to the haill countrie; quhilk thow cane nocht deny.—ITEM, thow art indytit for ane commoun theif, quhilk thow vñs be inchantment and flicht of the Diuill; for laitlie, thow cam to Alexander Thines hous in the Benvie-end of Traichie, in the monethe of November lastwas; and thair, be inchantment, blew vp his duris and his haill lokkis of his house, and ftall out sic gere as thow plesit; and thaireftir lokit the duris and loctis, as thay wer abefoir: Quhilk thow cane nocht deny.—ITEM, thow art indytit and accusit, that laitlie, beand nurish to the Lard of Balquhene (John Leslie), in the moneth of Maij and Junij lastbypast, thow, be thy inchantment and forcerie, maid vp the haill lockis of the place, and vpunt⁴ the haill durris thair of, and ftall ane steill box out of ane coffer, quhairin wes gryt fowmes of gould and gould-smyth-work; quhair, one (on) being accusit thaireftir, thou allegeit, that ane blak manne came and gaif the famin to the; quhilk wes nothing but the illusioun of the Diuill: Quhilk yow cane nocht deny.—SICLYK, thow art indytit and accusit, for the crewall, airt and pairt and bevisching of vmq^{le} Johnne Leslie of Cultis, quhair as thow trefekit with vmq^{le} Barbara Keand *alias Leslie*, with Jonet Grant, with Jonet Clark *alias Spalding*,⁵ lyk as thair Confessiounes and Depositiounes testifies thair vngodlie airt and pairt in the said murdour; quhairin diuerse vtheris was pertineris, sic as Marioun Bruce in Awldrain, Bessie Paull in the Cromar, quha ar fugitiues for the said cryme; and thow onlie esteemit the instrument of all that mischeife: Quhilk is notorius be thair Confessiounes, and yow cane nocht deny.—SICLYKE, thou art indytit and esteemit for ane notoriouse and commowne Wiche in the cuntrie; and cane do all thingis, and hes done all mischeifis, that deuilrie or Wichcraft cane devyse, in abstracking of mennis lyffis, wemennis milk, bestis milk, and bewisching of

¹ Bewitching.
burst up.

² Offer in gift, to make a present.

⁵ See Aug. 17, 1590.

³ Give up the ghost, die.

⁴ Opened,

bestis als weill as menne ; lyk as thai diuerse practifis cane testifie ye : Quhilk ye cane nocht deny.

VERDICT. The Assyse, in presens of the said Justice-deput, stand and pronounceit, be the mouth of the said Chancillar, (Arthour Skene in Tulluch,) the said Bessie Roy to be Innocent and acquit of all and findrie the poyntis and heidis of the Dittay abouewrittin. Quhairvpoune, the said Bessie askit act and instrument.

Slaughter by Witchcraft.

Aug. 19.—WILLIAME LESLIE of Crechie and Violat Auhinlek his spous. Dilatit of the slauchter and distructioun of vmq^{le} Johnne Leslie of Wardes, younger, be Wichcraft ; committit in Junij 1586.

PERSEWARIS.

Williame Leslie of Wairdes, as fader, George Leslie of Camellis, Mr Williame Leslie of Warthill, as brethir, Mr David McGill of Cranstoun-Riddell, Aduocat, The Laird of Frendracht, 3ounger.

PRELOQUITOURIS for the pannell.

The Erll Bothwell, The Erll of Arroll, The Lord Home, The Laird of Boquhane, The Laird of Wauchtoune, Mr W^m Leslie of Cunlie, Mr Alexander King.

The pannell askit instrumentis of thair entrie, and protestit for releif of thair cautioune, and als offerit thame reddie to abyde the tryell of ane Assyse, for the crymes abouewrittin ; disassenting to all continewatioune.

The Justice, for laik of ane sufficient nowmer of Assysouris, quhairof thair wes ane grit nowmer cassin,¹ continewit the mater to the thryd day of the nixt Justice-air of the Sherefdom of Abirdene, or soner, vpoun fyftene dayes wairning.—‘ Plegiis, Francisco Comite de Erroll et Joanne Leslie de Boquhane, conjunctim et diuifim.’

[CURIA JUSTICIARIE, *s. d. n. Regis, tenta xxvj^{to} Decembris, 1590, per Magistros Johannem Graham et Vmphridem Blynschelis, Justiciarios Deputatos.*]

Treasonably conspiring the Death of the King — Sorcery — Witchcraft — Incantation, &c.

Dec. 26.—JOHNE FEANE alias CWNINGHAME, last duelland in Pref-toune.²

Conuict of diuers poyntis of Wichcraft, contenit in the Dittay.

¹ *Cast*, rejected on account of partiality, relationship, &c. Only two out of the whole ‘ Roll of Assyse’ were sworn, as unexceptionable. ² He is designed ‘ schoolmaister at Tranent,’ in the *Historie of King James the Sext*, p. 241 ; ‘ Master of the schoole at Saltpans in Lothian,’ in the tract afterwards quoted ; and in the course of these remarkable cases, he is termed ‘ Register’ and ‘ Secre-tar to the Devil.’

Comperit the famin Maister Daid M^cGill of Cranftoune-Ryddell, Aduocat to our fouerane lord, as perfewar ; and producit ane Dittay agains the faid Johnne Feane.

ASSISA.

Johnne Wilfoun in Edinburghe,	Robert Seytoun thair,	Thomas Craig thair,
Rychard Newtoun in Tranent,	Robert Thrikkie, merchand, burges	Johnne Coluile thair,
Williame Stratherne thair,	of Edinburghe,	James Watfoun thair,
Patrik Halzeort thair,	Johne Donaldfoun, merchand thair,	Johne Hakit thair,
James Miltoun thair,	Robert Smyth, merchand thair,	Thomas Wrycht thair.

VERDICT. Quhilkis perfounes of Affyse, being chofin, fworne and admittit vpoun the faid Johnne Feanis Affyse, he being accufit be Dittay of the faidis crymes : Thay removit thame felffis altogidder furth of Court to the Affys-hous, quhair thay chufe the faid James Watfoun chancillar ; and haif reffonit (vpoun the) pointis of the faid Dittay, and refoluit thairwith : Reenterit agane in the faid Court ; quhair thay, be the mouth of the faid Chancillar, ffand, pronunceit and delyuerit the faid Johnne Feane alias Cwninghame, to be fylit and convict, FYRST, That quhan the dewill apperit and come to him, quhen he wes lyand in his bed in Tranent, in Thomas Trumbillis chalmer, mwfsand and panfsand,¹ how he mycht be revengeit of the faid Thomas, quha had offendit him in nocht fpargeing² of his chalmer, as he had promefit, his face being toward the wall ; the dewill apperit to him with quhyte rayment, quhair he (the Dewill) fpak to him in thir termes, or ever he (Feane) fpak to him (the Dewill)—‘ Will 3e be my ferwand and adore me and my ferwandis, and 3e fall never want ?’ And als, that he fuld be revengit of his enemies ; lyke as, the faid deuill perfwadit him to burne Thomas Trumbillis hous, in respect he had nocht keipit promise.—(2.) ITEM, Fylit, for fuffering of him felff to be markit be the dewill with ane rod, the fecund nycht that he apperit to him, in quhyte arayment as faid is, in his bed ; and for feinzeing of him felff to ly feik in the faid Thomas Trumbillis chalmer, quhair he wes ftrukin in grit extafies and tranfis, lyand be the fpace of twa or thre houris deid, his fpreit tane ; and fufferit him felff to be careit and tranfportit to mony montanes, as thocht throw all the world ; according to his awin depositions.—(3.) ITEM, Fylit, according to his awin confeffione, for the abufing of his body with Margaret Spens, wedo in , promefing to haif mareit hir ; bot att Satanis command, he ftayit ; quha faid to him, Gif he mareit hir, he fould tyne him and mekill riches.³—(4.) ITEM, Fylit for the fuffering of him felff to be careit to North-Berwik Kirk, (he being lyand in ane cloife bed in Preftoun-pannis,) as gif he had bene fouchand⁴ athoirt the eird, quhair Sathane commandit him to mak him homage with the reft of his fer-

¹ From ‘penfant,’ Fr. thinking, cogitating.

² White-washing or cleansing.

³ Riches, wealth.

⁴ This suggests the idea of skimming along the surface of the earth with the swiftest flight. ‘Souch-and’ also denotes a rushing sound, like that of an arrow whizzing through the air.

wandis; quhair he thocht he saw the lycht of ane candill standand in the middis, of his feruandis, quhilk apperit blew low¹; and Sathan stwid, as in a pulpet, makand ane sermond of dowsfum speichis, saying, 'Mony cumis to be fair, and byis nocht all wares;' and defyrit him 'nocht to feir, thocht he wes grymme: ffor he had mony feruandis, quha fould newir want, and fould aill na thing, fa-lang as their hair wes one; and fould newir latt ane teir fall fra thair ene,² fa-lang as thay feruit him': And gaif thir lessounes and commandis to him, as followis. 'Spair nocht to do ewill, and to eit, drink and be blyth, taking rest and eise, ffor he fould raise pame vp at be latter day glorioullie.'—(5.) ITEM, Fylit, for the being in cumpany with Sathane att his conventiounes, quhair he saw Robert Greirfoune, Michael Clark, Annie Sampfoune, with findrie vtheris; quhair he and all the rest kist him behind, and sum his erse; and att the same tyme, ffor the bewiching and posseffing of Williame Hutsoune in Windiegoull, with ane ewill spreit.—(6.) ITEM, Fylit, for suffering him selff to be careit to the see with Sathane; and att the fyrst, he wes skumand³ owre all the see without land,⁴ in ane boit, accompaneit with the persounes aboue writtin; and being of the foir-knowledge of the lek that strak vp in the Quenis schip, as the dewill foirtald him.—(7.) ITEM, Fylit, for the raising of wyndis att the Kingis passing to Denmark, and for the sending of ane letter to Marioun Linkup in Leyth, to that effect, bidding hir to meit him and the rest, on the see, within fyve dayes; quhair Satan delyuerit ane catt out of his hand to Robert Greirfoune, gevand the word to 'Cast the same in the see hola!': And thaireftir, being mountit in a schip, and drank ilk ane to otheris, quhair Satane said, 'ge fall sink be schip;' lyke as thay thocht thay did.—(8.) ITEM, Fylit, for assembling him selff with Sathane, att the Kingis returning fra Denmark; quhair Satan promesit to raise ane mist, and cast the Kingis Maiestie in Ingland: And for performing thairof, he tuik ane thing lyke to ane fute-ball, quhilk apperit to the said Johnne lyke a wispe,⁵ and caist the same in the see; quhilk caufit ane vapour and ane reik to ryis.—(9.) ITEM, Fylit, ffor being in cumpany with Satan in the Kirk of North-Berwick, quhair he apperit to him, in the forme of ane blak mann within the pulpett thairof; and efter his out-cuminge of the kirk, poyntit the graues and stwid aboue thame; quhilkis wer opnit in thre findrie pairtis, twa within and ane without; quhilk the wemen demembrit the deid corps and bodeis being thairin, with thair gulleis;⁶ and incontinent wes transportit, without wordis.—(10.) ITEM, Fylit, for opening of lokis, and speciallie ane lok in David Seytounis

¹ Blue flame, the candle burnt blue; an inevitable consequence of the presence of the 'foul fiend.'

² It was part of this strange superstition, that after a person had renounced his baptism, and sworn fealty to Satan, he could thenceforth shed no tears.—'Item, it is a vehement presumption, if she cannot weepe at the time of hir examination: and yet Bodin saith, that a witch may shed three drops out of her right eie.'—*Scott's Discoverie of Witchcraft*, cap. 5. ³ Skimming. ⁴ Out of sight of the land. ⁵ Of straw? ⁶ Large clasp-knives.

younger in Tranent; and siclyke, for the opening of the said Daudis foir zett, the key thairof being lyand vpoun the buird,¹ at the supper: As also, fylit, for the opning of ane lok be his forcerie, in Daud Seytonnis moderis, be blawing in ane womanis hand, him selff sitand att the fyre fyde.—(11.) ITEM, Fylit, for the being cumand furth of Patrik Vmphrais sonis hous in the mylne, vnder nycht, fra his supper; and passand to Tranent on horsbak, and ane man with him; be his devilisch craft, rasit vp foure candillis vpoun the horffis twa luggis, and ane vthir candill vpoun the stalff quhilk the man had in his hand; and gaif sic licht, as gif itt had bene day lycht; lyke as, the saidis candillis returnit with the said man, quhill his hamecuming; and caufit him fall deid, at his entre within the hous.—(12.) ITEM, Fylit, for the wiching² and possessing of the (said) Williame Hutfoune, with ane ewill spreit; quhilk continewit with him tuentie sax oulkis; lyke as, the said spreit departit and left him, how sone the said Johnne wes tane and apprehendit.—(13.) ITEM, Fylit, for being in cumpany with Annie Sampfoune, Robert Grierfoun, Kaet Gray and vtheris, vpoun Hallowmes ewin; thay embarkit in ane boit, besyde Robert Greirfounis hous in the Pannis, and faillit ovr the sea to ane tryist thay had with ane vther witch: quhair thay enterit within ane schip, and drank gude wyne and aill thairin; and thairefter cauffing the said schip and boit to perisch, with the personis being thairin; and than returning hame.—(14.) ITEM, Fylit, for the vsing be way of Witchcraft, of mode-wart³ feit vpoun him, in his purse; gevin to him be Sathan, for this caus, that sa lang as he had thame vpoun him, he suld never want filuer.—(15.) ITEM, Fylit, for being in North-Berwik-Kirk, at ane conventioun with Sathan and vtheris witches; quhair Sathan maid ane dewelisch sermon, quhair the said Johnne satt vpoun the left fyde of the pulppett, narrest him: And the sermon being endit, he came doune and take the said Johnne be the hand, and led him widderfchinnis⁴ about; and thairefter, cauffit him kyse his erse.—(16.) ITEM, Fylit, for the chaiffing of ane catt in Tranent; in the quhilk chaife, he was careit heich aboue the ground, with gryt fwyftnes, and as lychtlye as the catt hir selff, ower ane heicher dyke, nor he was able to lay his hand to the heid off:—And being inquyrit, to quhat effect he chaiffit the samin? Anfuerit, that in ane conventioun haldin at Brumhoillis, Sathan commandit all that wer present, to tak cattis; lyke as, he, for obedience to Sathan, chaifit the said catt, purpoisslie to be cassin in the sea, to raise windis for distructioun of schippis and boittis.—(17.) ITEM, Fylit, that forfamekle as, be his airt of Witchcraft, Magick and Sorcerie, he gaif him selff⁵ to declair to ony man, how long thay sould leve, and quhat sould be thair end;⁶ gif thay wald tell yow the day of thair birth: Lyke as, he foirtauld the samyn to Marioun Weddell, that hir sone sould nocht leve

¹ Table.
gave out.

² Bewitching.

³ Mole's feet.

⁴ Contrary to the course of the sun.

⁵ Professed,

⁶ What death they should die.

xv dayes ; quhilk cam to pas as he fpak.—(18.) ITEM, Fylit, for declaring of the lyke to Alexander Bouis wyffe in Edinburghe, and faying, hir fone fould be fchort quhyle in hir aucht ; as he died within a fchort fpace thairefter.—(19.) ITEM, Fylit, for the reffaving of thir directionis and commandimentis fra Satan : Firft, To deny God and all trew Religioune : Secundlie, To gif his faith to the Dewill ; and adoring him : Thridlie, He faid to the Dewill, that he fould perfwaid als mony as he could, to his focietie : Ferdlie, He dememberit the bodeis of the deid corps, and speciallie of bairnis vnbaptesit : Fyftlie, He diftroyit men be fie and land, with coirnis, cattell and guidis ; and raifit tempeft and ftormie wedder, as the Dewill himfelf, blawing in the air, &c.—(20.) ITEM, Fylit, for ane commoune notorious Witch and Inchanter.

The SENTENCE is not engrossed in the Record, but a jotting made on the margin, ‘ Conuict of diuers poyntis of Wichcraft, and brynt.’

[The best illustration which can now be afforded of the extraordinary circumstances detailed in this and in some of the other Trials for Witchcraft, &c. of this period, is to give an exact reprint of an extremely rare Black-letter tract, considered to be unique ; and which appears to the Editor well worthy of a place here.¹ A pretty copious abstract from this curious fragment has already been given to the public, in the learned and ingenious Prefatory Notice to ‘ Law’s Memorials,’ edited by Charles Kirkpatrick Sharpe, Esquire ; to whom the Editor is indebted for the use of an accurate transcript, with which the present reprint has been carefully collated.² This tract was inserted in a small collection, published by the late eccentric David Webster, titled, ‘ Collectanea Scotica,’ but it is there very inaccurately edited.]

The Confessions of Feane, Samson, &c., are said to have ‘ made the King in wonderful admiration, who, in respect of the strangenes of these maters, tooke great delight to be present at their examinations.’ It is very probable that the King’s presence at these examinations, and the frequent perusal of similar evidence against the numerous persons who were tried for Witchcraft at this time, laid the foundation for the royal work on ‘ Dæmonologie.’]

NEWES FROM SCOTLAND,

Declaring the damnable life of DOCTOR FIAN a notable Sorcerer, who was burned at Edenbrough, in Januarie laft 1591 ; which Doctor was Regifter to the Deuill, that fundrie times preached at North Barricke Kirke to a

¹ The Editor would have preferred inserting the ‘ Newes from Scotland’ in the Appendix to the reign of King James VI., but as that must of necessity be retarded for a considerable time, the explanations afforded in Feane’s Confessions would thereby lose much of their interest. ² Mr Sharpe’s transcript was taken from the Roxburghe Club copy.

number of notorious Witches; with the true Examinations of the said Doctor and Witches, as they uttered them in the presence of the Scottish King: Discouering how they pretended to bewitch and drowne his Majestie in the sea, comming from Denmarke; with such other wonderfull matters, as the like hath not bin heard at anie time.

Published according to the Scottish Copie.

Printed for William Wright.¹

TO THE READER.

THE manifold untruths which are spread abroad, concerning the detestable actions and apprehension of those Witches, whereof this historie following truly entreateth, hath caused me to publish the same in print; and the rather, for that fundrie written coppies are lately dispersed therof, containing that the said Witches were first discovered by meanes of a poore pedler travelling to the towne of Trenent; and that by a wonderfull manner hee was in a moment conveyed at midnight from Scotland to Burdeux in France, (being places of no small distance,) into a merchantes fellar there; and after beeing sent from Burdeux into Scotland by certaine Scottish merchants to the Kings Majestie, that he discovered those Witches, and was the cause of their apprehension; with a number of matters miraculous and incredible: all which in truth are most false. Nevertheless, to satisfie a number of honest mindes, who are desirous to be informed of the veritie and truth of their confessions, which for certaintie is more straunger than the common reporte runneth, and yet with more truth, I have undertaken to publish this short Treatise, which declareth the true discourse of all that happened, and as well what was pretended by those wicked and detestable Witches against the Kings Majestie, as also by what means they wrought the same.

All which examinations (gentle Reader) I have here truly published, as they were taken and uttered in the presence of the Kings Majestie, praying thee to accept of it for veritie; the same being so true as cannot be reproved.

A TRUE DISCOURSE

Of the apprehension of fundrie WITCHES lately taken in Scotland; whereof some are executed, and some are yet imprisoned. With a particular recitall of their examinations, taken in the presence of the Kings Majestie.

GOD, by his omnipotent power, hath at all times, and daily dooth take such care, and is so vigilant for the weale and preservation of his owne, that thereby he disappointeth the wicked practices and evill intentes of all such as by any meanes whatsoever seeke indirectly to conspire any thing contrary to his holy will: Yea, and by the same power he hath lately overthrowne and hindered the intentions and wicked dealings of a great number of ungodly creatures, no better than Devils; who, suffering themselves to be allured and enticed by the Devil whom they served, and unto whom they were privately sworne, entered into the detestable art of Witchcraft, which they studied and practised so long time, that in the

¹ There appears to have been another edition of this remarkable Tract, in all respects the same with the Roxburghe reprint. At least, in the Gent. Mag. vol. xlix, p. 393, it is reprinted, but bears at the foot of the title-page, 'At London, printed for Thomas Nelson.' Nelson was probably joint proprietor with Wright, each party affixing his name to the copies sold by him.

ende they had seduced by their forcerie a number of others to be as bad as themselves, dwelling in the boundes of Lowthinn, which is a principall shire or part of Scotland, where the Kingis Majestie useth to make his cheifest residence or abode : and to the ende that their detestable wickednesse, which they privily had pretended against the Kingis Majestie, the commonweale of that countrie, with the nobilitie and subjects of the same, should come to light, God of his unspeakable goodnes did reveale and laie it open in verie strange sorte, thereby to make known to the world that their actions were contrarie to the lawe of God, and the naturall affection which we ought generally to beare one to an other : The manner of the revealing whereof was as followeth.

Within the towne of Trenent, in the kingdome of Scotland, there dwelleth one David Seaton, who, being deputie bailiffe in the said towne, had a maid called Geillis Duncane, who used secretlie to absent and lie forth of hir maisters house every other night : This Geillis Duncane tooke in hand to helpe all such as were troubled or grieved with anie kinde of sicknes or infirmitie, and in short space did perfourme many matters most miraculous ; which things, for asmuche as she began to do them upon a sodaine, having never done the like before, made her maister and others to be in great admiration, and wondered thereat : by meanes whereof, the saide Davide Seaton had his maide in great suspition that shee did not those things by naturall and lawfull waies, but rather supposed it to bee done by some extraordinarie and unlawfull meanes. Whereupon, her maister began to grow verie inquisitive, and examined hir which way and by what meanes shee was able to performe matters of so great importance ; whereat shee gave him no aunswere : nevertheless, her maister, to the intent that hee might the better trie and finde out the truth of the same, did with the help of others torment her with the torture of the pilliwinkes¹ upon her fingers, which is a grievous torture ; and binding or wrinching her head with a cord or roape, which is a most cruell torment also ; yet would she not confesse anie thing ; whereupon, they suspecting that she had beene marked by the Devill, (as commonly witches are,) made diligent search about her, and found the enemies marke to be in her fore crag, or fore part of her throate ; which being found, shee confessed that al her doings was done by the wicked allurements and entisements of the Devil, and that she did them by witchcraft. After this her confession, she was committed to prison, where shee continued a season, where immediately shee accused these persons following to bee notorious witches, and caused them forth-

¹ ' *Pilniewinkis*, or *pinniewinks*, a severe instrument of torture, apparently similar to the ' *thumbiekins*, or thumbscrews, afterwards used both in Scotland and England. From a quotation made by Cowell, in his ' *Law Interpreter*, this torture appears to have been applied to Robert Smyth of Bury, in the reign of Henry IV.—' *Ceperunt infra predictam villam, et ipsum in ferro posuerunt et cum cordis ligaverunt, et super pollices ipsius Roberti, quoddam instrumentum vocatum Pyrewinkes, ita strictè et durè posuerunt, quod sanguis exivit de digitis illius.*' *Cart. Abbatie S. Edmundi*, MS. fol. 341. ² See her Trial, Jan. 27, 1590-1.

with to be apprehended, one after another, viz. Agnes Sampson,² the eldest witche of them all, dwelling in Haddington; Agnes Tompson of Edenbrough; Doctor Fian alias John Cuningham, master of the schoole at Saltpans in Lowthian, of whose life and strange acts you shal heare more largely in the end of this discourse. These were by the faide Geillis Duncane accused, as also George Motts wife, dwelling in Lowthian; Robert Grierfon, skipper; and Jannet Blandilands; with the potters wife of Seaton; the smith at the Brigge Hallis, with innumerable others in those parts, and dwelling in those bounds aforesaid; of whom some are already executed, the rest remaine in prison to receive the doome of judgement at the Kinges Majesties will and pleasure.

The faide Geillis Duncane also caused Ewphame Mecalrean¹ to bee apprehended, who conspired and performed the death of her godfather, and who used her art upon a gentleman, being one of the Lordes and Justices of the Session, for bearing good will to her daughter. Shee also caused to be apprehended one Barbara Naper,² for bewitching to death Archibalde lair Earle of Angus, who languished to death by witchcraft, and yet the same was not suspected; but that hee died of so strange a disease as the Phisition knewe not how to cure or remedie the same. But of all other the said witches, these two last before recited, were reputed for as civill honest women as anie that dwelled within the cittie of Edenbrough, before they were apprehended. Many other besides were taken dwelling in Lieth, who are detayned in prison untill his Majesties further will and pleasure be knowne; of whose wicked dooings you shall particularly heare, which was as followeth.

This aforesaide Agnis Sampson, which was the elder witche, was taken and brought to Haliriud House before the Kinges Majestie, and fundry other of the nobilitie of Scotland, where she was straitly examined; but all the perswasions which the Kinges Majestie used to hir, with the rest of his Councell, might not provoke or induce her to confesse any thing, but stood stiffely in the deniall of all that was layde to her charge; where upon they caused her to bee conveyed away unto prison, there to receive such torture as hath beene lately provided for witches in that country: And for as much as by due examination of witchcraft and witches in Scotland, it hath lately beene founde that the Divell dooth generally marke them with a privie marke, by reason the witches have confessed themselves, that the Divell doth licke them with his tong in some privie part of their bodie, before hee dooth recyve them to bee his servauntes, which marke commonlie is given them under the haire in some part of their bodie, whereby it may not easily bee founde out or seene, although they be searched; and generally so long as the marke is not seene to those which search them, so long the parties that

¹ Ewphame Macalzeane of Cliftounhall. See her Trial, Jun. 9, 1591. ² See her Trial. The persons composing the majority of those who acquitted her, were brought to trial for Wilful Error.

hath the marke will never confesse anie thing. Therefore, by speciall commandment, this Agnis Sampson had all her haire shaven off, in each parte of her bodie, and her head thrawne with a rope, according to the custome of that countrie, beeing a payne most grevous, which shee continued almost an hower, during which time she would not confesse anie thing, untill the Divels marke was founde upon her privities; then shee immediately confessed whatsoever was demaunded of her, and justifying those persons aforefaide to be notorious witches. ITEM, The said Agnis Tompson (Sampson) was after brought againe before the Kinges Majestie and his Councell, and beeing examined of the meetings and detestable dealings of those witches, she confessed, that upon the night of Allhollow Even last, shee was accompanied, as well with the persons aforefaide, as also with a great many other witches, to the number of two hundreth, and that all they together went to Sea, each one in a riddle or cive, and went into the same very substantially, with flaggons of wine, making merrie and drinking by the way in the same riddles or cives, to the Kirke of North Barrick in Lowthian; and that after they had landed, tooke handes on the lande, and daunced this reill or short daunce, singeing all with one voice,

Commer goe ye before, commer goe ye,

Gif ye will not goe before, commer let me.

At which time shee confessed, that this Geillis Duncane did goe before them, playing this reill or daunce, uppon a small trumpe, called a Jewes trump, untill they entred into the Kirk of North Barrick.

These confessions made the King in a wonderfull admiration, and sent for the faide Geillis Duncane, who upon the like trump did play the faide daunce before the Kinges Majestie, who in respect of the strangenes of these matters, tooke great delight to be present at their examinations.

ITEM, The said Agnis Tompson (Sampson) confessed, that the Divell, being then at North Barrick Kirke attending their comming, in the habit or likenesse of a man, and seeing that they tarried over long, hee at their comming enjoyned them all to a pennance, which was, that they should kisse his buttockes, in sign of duety to him; which being put over the pulpit bare, every one did as he had enjoyned them: And having made his ungodly exhortations, wherein he did greatly inveigh against the King of Scotland, he received their oathes for their good and true service towards him, and departed; which done, they returned to sea, and so home again. At which time, the witches demaunded of the Divell, 'Why he did beare such hatred to the Kinge?' Who aunswered, 'By reason the King is the greatest enemy hee hath in the world.' All which their confessions and depositions are still extant upon record. ITEM, The faide Agnis Sampson confessed before the Kinges Majestie fundrie thinges, which were so miraculous

and strange, as that his Majestie saide 'they were all extreame lyars;' whereat shee aunswered, 'she would not with his Majestie to suppose her wordes to bee false, but rather to beleve them, in that shee would discover such matter unto him as his Majestie should not any way doubt of.' And therupon taking his Majestie a little aside, shee declared unto him the verie wordes which passed betweene the Kinges Majestie and his Queene at Upslo in Norway, the first night of mariage, with the answere ech to other; wherat the Kinges Majestie wondered greatly, and swore 'by the living God, that he believed all the devils in hell could not have discovered the same,' acknowledging her words to be most true; and therefore gave the more credit to the rest that is before declared.

Touching this Agnis Tompson (Sampson), she is the onlie woman who, by the Divels perswasion, should have intended and put in execution the Kinges Majesties death, in this manner. She confessed that shee tooke a blacke toade, and did hang the same up by the heeles three daies, and collected and gathered the venom as it dropped and fell from it in ane oyster shell, and kept the same venome close covered, untill she should obtaine anie part or peece of foule linnen cloth that had appertained to the Kinges Majestie, as shirt, handkercher, napkin or any other thing, which shee practised to obtaine by meanes of one John Kers, who being attendant in his Majesties chamber, desired him for olde acquaintance betweene them, to helpe her to one, or a peece of such a cloth as is aforesaide; which thing she saide John Kers denied to helpe her to, saying hee could not helpe her unto it. And the saide Agnis Tompson (Sampson,) by her depositions since her apprehension, saith, that if shee had obtayned any one peece of linnen cloth which the King had worne and fowled, she had bewitched him to death, and put him to such extraordinarie paines, as if he had been lying upon sharp thorns and endis of needles. Moreover she confessed, that at the time when his Majestie was in Denmarke, shee being accompanied by the parties before speciallie named, tooke a cat and christened it, and afterward bounde to each part of that cat, the cheefest parte of a dead man, and severall joyntis of his bodie: And that in the night following, the saide cat was convayed into the middest of the sea by all these witches, sayling in their riddles or cives, as is aforesaid, and so left the saide cat right before the towne of Lieth in Scotland. This doone, there did arise such a tempest in the sea, as a greater hath not bene seene; which tempest was the cause of the perishing of a boat or vessell comming over from the towne of Brunt Ilande to the towne of Lieth, wherein was fundrie Jewelles and rich giftes, which should have beene presented to the now Queene of Scotland, at her Majesties coming to Leith. Againe, it is confessed, that the saide christened cat was the cause that the Kinges Majesties shippe, at his comming forth of Denmarke, had a contrarie winde to the rest of his shippes then being in his companie; which

thing was most strange and true, as the Kinges Majestie acknowledgeth, for when the rest of the shippes had a faire and good winde, then was the winde contrarie and altogether against his Majestie; and further, the sayde witche declared, that his Majestie had never come safely from the sea, if his faith had not prevayled above their intentions.

Moreover, the saide witches being demaunded, how the Divel would use them when he was in their company, they confessed, that when the Devill did recyve them for his servauntes, and that they had vowed themselves unto him, then hee would carnally use them, albeit to their litle pleasure, in respect to his colde nature; and would do the like at fundry other times.

As touching the aforesaide Doctor Fian alias John Cunningham, the examination of his actes since his apprehension, declareth the great subteltie of the Divell, and therefore maketh thinges to appeare the more miraculous; for beeing apprehended by the accusation of the saide Geillis Duncane aforesaide, who confessed he was their Regester, and that there was not one man suffered to come to the Divels readings but onelie hee: the saide Doctor was taken and imprisoned, and used with the accustomed paine provided for those offences, inflicted upon the rest, as is aforesaide. First, By thrawing of his head with a rope, wherat he would confesse nothing. Secondly, Hee was perswaded by faire meanes to confesse his follies, but that would prevaile as little. Lastly, Hee was put to the most severe and cruell paine in the worlde, called the bootes;¹ who, after he had received three strokes, being inquired if hee would confesse his damnable actes and wicked life, his toong would not serve him to speake; in respect wherof, the rest of the witches willed to searche his toong, under which was founde two pinnes, thrust up into the heade; whereupon the witches did say, Now is the charme stinted; and shewed, that those charmed pinnes were the cause he could not confesse any thing: Then was he immediately released of the bootes, brought before the King, his confession was taken, and his own hand willingly set thereunto, which contained as followeth: FIRST, That at the generall meetinges of those witches, he was always present; that he was clarke to all those that were in subjection to the Divels service, bearing the name of witches; that alway hee did take their oathes for their true service to the Divell; and that he wrote

¹ A dreadful torture, which, to the disgrace of this country, was sanctioned by the Privy Council, to extort evidence from obdurate and perjured witnesses, and also Confessions from criminals of their own crimes and delinquencies; or to induce them to inform against or to criminate others, strongly suspected to be implicated. The boots, or *bootikins*, were chiefly made use of in extreme cases, such as High Treason, Witchcraft, &c. This horrid instrument extended from the ankles to the knee, and at each stroke of a large hammer, (which forced the wedges closer,) the question was repeated. In many instances, the bones and flesh of the leg were crushed and lacerated in a shocking manner before confession was made. Fian endured these tortures with almost incredible firmness. See the Trial of John Master of Orkney, Jan. 24, 1596, &c.

for them such matters as the Divell still pleased to commaund him. ITEM, Hee confessed, that by his witchcraft hee did bewitch a gentleman dwelling neare to the Saltpans, where the said Doctor kept schoole, onely for beeing enamoured of a gentlewoman whome hee loved himselfe; by meanes of which his forcery, witchcraft and divelish practises, hee caused the faide gentleman, that once in xxiiii howers hee fell into a lunacie and madnes, and so continued one whole hower together: And for the veritie of the same, hee caused the gentleman to bee¹ brought before the Kinges Majestie, which was uppon the xxiiii day of December last, and beeing in his Majesties chamber, suddently hee gave a great scritch, and fell into madnesse, sometime bending himself, and sometime capring so directly up, that his heade did touch the feeling of the chamber, to the great admiration of his Majestie and others then present; so that all the gentlemen in the chamber were not able to holde him, untill they called in more helpe, who together bound him hand and foot; and suffering the faide gentleman to lie still untill his furie were past, he within an hower came againe to himselfe; when, being demaunded by the Kinges Majestie, 'what he sawor did all that while,' answered, that 'he had been in a sounde sleepe.' ITEM, The said Doctor did also confesse, that hee had used meanes fundry times to obtaine his purpose and wicked intent of the same gentlewoman; and seeing himselfe disappointed of his intention, he determined, by all wayes hee might, to obtaine the same; trusting by conjuring, witchcraft and forcerie, to obtaine it, in this manner. It happened this gentlewoman, being unmarried, had a brother, who went to schoole with the faide Doctor; and calling the faide scholler to him, demaunded 'if he did lie with his sifter,' who answered 'he did:' By meanes whereof, hee thought to obtaine his purpose; and therefore secretly promised, to teach him without stripes, so he woulde obtaine for him three hairs of his sisters privities, at such time as hee should spie best occasion for it; which the youth promised faithfully to performe, and vowed speedily to put it in practise, taking a peece of conjured paper of his maister, to lap them in, when hee had gotten them; and thereupon the boy practised nightly to obtaine his maisters purpose, especially when his sifter was asleep. But God, who knoweth the secrets of all harts, and revealeth all wicked and ungodly practises, would not suffer the intents of this divelish Doctor to come to that purpose which he supposed it woulde; and therefore, to declare that hee was heavily offended with his wicked intent, did so work by the gentlewomans owne meanes, that in the ende the same was discovered and brought to light; for shee being one night a sleepe, and her brother in bed with her, sodainly cried outt to her mother, declaring that her brother woulde not suffer her to sleepe; whereupon her mother having a quicke capacitie, did vehemently suspect Doctor Fians inten-

¹ Here the first wooden cut is inserted.

tion, by reason she was a witch of her self; and therefore, presently arose, and was very inquisitive of the boy to understand his intent; and the better to know the same, did beate him with fundrie stripes, wherby hee discovered the truth unto her. The mother, therefore, beeing well practised in witchcraft, did thinke it most convenient to meete with the Doctor in his owne arte; and thereupon took the paper from the boy, wherein hee should have put the same haire, and went to a yong heyfer which never had borne calfe, nor gone unto the bull, and with a paire of sheeres clipped off three haire from the udder of the cow, and wrapt them in the same paper, which shee again delivered to the boy; then willing him to give the same to his faide maister, which hee immediately did. The schoole maister, so soone as he had received them, thinking them indeede to be the maids haire, went straight and wrought his arte upon them: But the Doctor had no sooner doone his intent to them, but presently the hayfer cow, whose haire they were indeede, came unto the door of the church wherein the schoole maister was, into the which the hayfer went, and made towards the schoole maister, leaping and dauncing upon him, and following him forth of the church, and to what place soever he went; to the great admiration of all the townes men of Saltpans, and many other who did beholde the same. The report whereof made all men imagine he did worke it by the Devill, without whome it coulde never have beene so sufficiently effected; and thereupon, the name of the faide Doctor Fian (who was but a yoong man) began to growe common among the people of Scotland, that hee was secretly nominated for a notable conjurer.

All which, although in the beginning he denied, and woulde not confesse, yet having felt the paine of the bootes, (and the charme stinted as aforesayd,) he confessed all the aforesaid to be most true, without producing any witnesses to justifie the same; and therupon, before the Kings Majesty, hee subscribed the sayd confessions with his owne hande; which for truth remaineth upon record in Scotland.

After that the depositions and examinations of the sayd Doctor Fian alias Cuningham was taken, as alreadie is declared, with his own hand willingly set thereunto, hee was by the maister of the prison committed to ward, and appointed to a chamber by himselfe; where, forefaking his wicked¹ wayes, acknowledging his most ungodly lyfe, shewing that he had too much folowed the allurements and enticements of Sathan, and fondly practised his conclusions, by conjuring, witchcraft, inchantment, forcerie, and such like, hee renounced the Devill and all his wicked workes, vowed to leade the lyfe of a Christian, and seemed newly converted towards God.

The morrow after, upon conference had with him, he granted that the Devill had appeared unto him in the night before, appareled all in blacke, with a white

¹ The second wood-cut is inserted here.

wande in his hande; and that the Devill demaunded of him, 'If hee woulde continue his faithfull service, according to his first oath and promise made to that effect:' Whome (as hee then saide) he utterly renounced to his face, and said unto him in this manner, 'Avoide! Satan, avoide! for I have listned too much unto thee, and by the same thou hast undone me; in respect whereof I utterly forsake thee.' To whome the Devill answered, that 'once ere thou die thou shalt bee mine:' And with that (as he sayd), the Devill brake the white wand, and immediately vanished forth of his sight.

Thus, all the daie, this Doctor Fian continued verie solitarie, and seemed to have a care of his owne soule, and would call uppon God, shewing himselfe penitent for his wicked life; neverthelesse, the same night, hee found such meanes that he stole the key of the prison doore and chamber in which he was, which in the night hee opened and fled awaie to the Saltpans, where hee was alwayes resident, and first apprehended. Of whose sodaine departure, when the Kings Majestie had intelligence, hee presently commanded diligent inquirie to bee made for his apprehension; and for the better effecting thereof, hee sent publike proclamations into all partes of his lande to the same effect. By meanes of whose hot and harde pursuite he was agayn taken, and brought to prison; and then, being called before the Kings Highnes, hee was re-examined, as well touching his departure, as also touching all that had before happened. But this Doctor, notwithstanding that his owne confession appeareth, remaining in recorde under his owne hande writting, and the same thereunto fixed in the presence of the Kings Majestie and fundrie of his Councill, yet did hee utterly denie the same.

Whereupon the Kings Majestie, perceiving his stubborne willfulnesse, conceived and imagined, that in the time of his absence, hee had entered into newe conference and league with the Devill his maister; and that hee had beene again newly marked, for the which he was narrowly searched; but it coulde not in anie waie be founde; yet for more tryall of him, to make him confesse, hee was commaunded to have a most straunge¹ torment, which was done in this manner following. His nailes upon all his fingers were riven and pulled off with an instrument called in Scottish a Turkas,² which in England wee call a payre of pincers, and under everie nayle there was thrust in two needels over even up to the heads. At all which tormentes notwithstanding, the Doctor never shronke anie whit; neither would he then confesse it the sooner, for all the tortures inflicted upon him. Then was hee, with all convenient speede, by commandement, convaied againe to the torment of the bootes, wherein hee continued a long time, and did abide so many blowes in them, that his legges were cruist and beaten together as small as might

¹ Unusual, unaccustomed.
smith's pincers.

² O. Fr. *Turquois, truquaise*, tenaille à l'usage des marechaux, i.e.

bee; and the bones and flesh so brused, that the bloud and marrow spouted forth in great abundance; whereby, they were made unserviceable for ever. And notwithstanding all these grievous paines and cruel torments, hee would not confesse anie things; so deeply had the Devill entered into his heart, that hee utterly denied all that which he before avouched; and would saie nothing thereunto, but this, that what hee had done and sayde before, was onely done and sayde, for fear of paynes which he had endured.

Upon great confideration, therefore, taken by the Kings Majestie and his Councell, as well for the due execution of justice uppon such detestable malefactors, as also for example sake, to remayne a terrour to all others heerafter, that shall attempt to deale in the lyke wicked and ungodlye actions, as witchcraft, forcerie, conjuration and such lyke; the saide Doctor Fian was soon after arraigned, condemned and adjudged by the law to die, and then to be burned according to the lawe of that lande provided in that behalfe. Whereupon hee was put into a carte, and beeing first strangled, hee was immediately put into a great fire, being readie provided for that purpose, and there burned in the Castle Hill of Edenbrough, on a Saterdaie, in the ende of Januarie last past, 1591.

The rest of the witches which are not yet executed, remayne in prison till farther triall and knowledge of his Majesties pleasure.

THIS strange discourse before recited may perhaps give some occasion of doubt to such as shall happen to reade the same, and thereby conjecture that the Kings Majestie would not hazarde himselfe in the presence of such notorious witches; least therby might have ensued great danger to his person, and the generall state of the land; which thing in truth might wel have bene feared. But to answer generally to such, let this suffice; that first, it is well knowen that the King is the child and servant of God, and they but the servants to the Devil; hee is the Lords annointed, and they but vesseles of Gods wrath; hee is a true Christian, and trusteth in God; they worse than infidels, for they onely trust in the Devill, who daily serves them, till he have brought them to utter destruction. But heereby it seemeth that his Highnesse caried a magnanimious and undaunted mind, not feared with their inchantmentes, but resolute in this, that so long as God is with him, hee feareth not who is against him; and truelie, the whole scope of this Treatise dooth so plainlie laie open the wonderfull Providence of the Almighty, that if he had not bene defended by his omnipotencie and power, his Highnes had never returned alive in his voiage from Denmarke; so that there is no doubt, but God would as well defend him on the land as on the sea, where they pretended their damnable practise.

FINIS.

High Treason — Murder — Fire-raising — Oppression, &c.

Jan. 19, 1590-1.—ANGUS M'CONEILL of Dinnievaig (Lord of Kintyre,) and Lauchlane Maclane of Dowart (Lord of Ilay.)

[THE desperate atrocities committed by the rival Chieftains, Makoneill and Macleane, some of whose misdeeds form the subject of the following Trial, although unfortunately not without a parallel in the history of the feuds and conflicts of the Clans, yet they give such a gloomy picture of the barbarities then in some measure tolerated, or at least winked at, through the weakness of the arm of the law, that some explanation of the circumstances which gave rise to such scenes of horror and bloodshed seems necessary. This cannot be better done, than by giving a pretty copious quotation from the quaint but forcible narrative of the author of 'The Historie and Life of King James the Sext,' a work recently edited by Thomas Thomson, Esq. Deputy Clerk Register of Scotland, for the use of the Members of the Bannatyne Club. The limited impression of that work must plead the Editor's apology for quoting so largely, as comparatively few have access to this valuable book for reference.]

ANGUS MAK-ONEILL Lord of Kintyre had to his wyff the sifter of MACLEANE Lord of Ilay; and althocht thay war brether in law, yit the ane was alwayis in sic suspicioun with the uther, that of ather fyde thair was fa litle traift, that almaist fendle or never did thay meit in amitie, lyk unto the common sort of people, bot rather as barbaris upoun thair awin guairde, or ather be thair messingeris. Trew it is, that thir Ilandish men ar of nature verie prowde, suspicioun, avaricious, full of decept and evill inventioun aganis his nyctbour, be what way foever he may circumvin him. Besydis all this, thay are fa crewell in taking of revenge, that nather have thay regarde to person, eage, tym or caus; fa ar thay generallie all fa far addictit to thair awin tyrannicall opinions, that in all respects thay exceed in creweltie the maist barbarous people that ever hes bene sen the begynning of the world; ane example whareof ye fall heir in this historie following.—Angus Mac-Oneill understanding, be dyverse reportis, the gude behavior of Maclayne to be fa famous, that almaist he was recommendit and prayfit be the haill newtrall people of thais partis above him self; whilk ingendrit fik rancor in his hart, that he pretermittit na inventioun how he mycht destroy the said Maclayne. At last he devyfit to draw on a familiaritie amang thayme, and inveitit himself to be bancattit be Maclayne; and that the rather, that Maclayne fould be the reddier to cum over to his Ile with him the mair glaidlie, ather being requyrit, or upon set purpose, as best fould pleas him. And when Angus had sent adverteisment to Maclayne, that he was to cum and mak gude cheir, and to be mirrie with him certayne dayis, Maclayne was verie glaid thareof, and anfuerit to the messinger,—'My brother falbe welcome to me,' sayd he, 'cum when he list.' The messinger anfuerit, 'it wald be to morrow.' So when Angus arryvit in effect, he was rycht cheirfullie welcomit be his brother in law, wha remanit thair be the space of fyve or sax dayis. And when it was persavit that Maclaynis provision was almaist spent, Angus thocht it then tyme to remove. Indeid the custome of that people is fa gevin to gluttonie, and drinking without all measure, that as ane is invetit to another, thay never finder fa lang as the vivers do left. In end Angus sayis,—'Becaus I have maid the first obedience unto you, it will pleas you cum over to my Ile, that ye may reffave als gude treatment with me as I have done with you.' Maclayne anfuerit that 'he durst not adventure to cum to him for mistrust;' and Angus said,—'God forbid that evir I fould intend or pretend any evill aganis you; bot yit, to remove all doubt and suspicion fra your mynd, I will

geve you tua pledges, whilkis falbe sent unto you with diligence ; to wit, my eldest sone, and my awin onlie brother germain : These tua may be keapit heir be your freyndis, till ye cum saiflie bak agayne.' Maclayne hering this offer, whilk apperit unto him voyd of all suspicioun, gave credence, and so decretit to pas with him to Kintyre ; and forder to testefie that bayth he simplie belevit all to be trew, and that upoun hoip of gude freyndship to continew, he thocht expedient to retene à onlie pledge, and that was Angus his brother, and wald cary with himself his awin nevoy the sone of Angus. Whether he did this to save himself fra suspicioun of daynger, as apperantlie of the event he did it, or geve he brocht him bak agayne upon liberall favour, I will not dispute ; becaus I have tauld you afore the perfytt nature and qualeteis of thais Islandis people ; yit becaus Maclaynis educatioun was ceville, and brocht up in the gude lawis and maners of Scotland from his yowth, it may be, that he hes had double confideratioun, ane be kynd, and another be art of honest deliberatioun. To conclude, to Kintyre he came, accompaneit with 45 men of his kynnisfolk, and stowt servands, in the moneth of Julii 1586 ; whare at the first arryvall thay war maid welcome, with all humanitie, and war sumptuoslie bancattit all that day. Bot Angus in that meyne tyme had premoneist all his freyndis and weilwillers within his Ile of Kintyre, to be at his hous that same nycht, at nyne of the clock, and nather to cum soner nor laitter ; for he had concludit with himself to kill thayme all, the verie first nycht of thair arryvall ; fearing, that geve he sould delay any langar tyme, it mycht be, that ather he sould alter his malicious intentioun, or els that Maclayne wald send for sum greater forces of men for his awin defence. Thus he concelit his intent still, till bayth he fand the tyme commodious, and the verie place proper ; and Maclayne, being logeit with all his men within a lang hous, that was sumthing distant fra uther howsing, tuik to bed with him that nycht his nevoy, the pledge aforespokin. Bot within ane hour tharefter, when Angus had assemblit his men to the number of tua hundreth, he placit thayme all in ordor about the hous whare Maclayne then lay. Tharefter he came him self, and callit at the dure upon Maclayne, offring to him his repofing drink, whilk was forgottin to be gevin to him before he went to bed. Maclayne anfuerit, that he desyrit na drink for that tyme. Althoght, so be, said the uther, it is my will that thou arryse and cum furth to ressave it. Then began Maclayne to suspect the falsset, and so arraise with his nevoy betuix his shoulders, thinking that geve present killing was intentit aganis him, he sould save him self salang as he could, be the boy ; and the boy persaving his father with a naiked sworde and a number of his men in lykmaner about, cryit with a lowd voyce, mearcie to his uncle for Gods saik ; whilk was grantit, and immediately Maclayne was removit to a secret chalmer till the morrow. Then cryit Angus to the remanent that war within ;—samony as wald have thair awin lyvis to be saif, thay sould cum furth, tua onlie exceptit, whilk he nominat ; sa that obedience was maid be all the rest, and thais tua onlie feyring the daynger, refusit to cum furth. Angus seing that, commandit incontinent to put fyre to the hous, whilk was immediatlie performit, and thus war the tua men cruallie and unmearecessullie brynt to the death. These tua war verie nar kynnisfemen to Maclayne, and of the eldest of his clan, renownit bayth for counfall and manheid. The rest that war preafoners, of the haill number aforetauld, war ilk ane beheadit the dayis following, ane for ilk day, till the haill number was endit ; yea, and that in Maclaynis awin fight, being constraynit thareunto with a dolorous advertisement, to prepare himself for the lyk tragicall end, howfome thay sould be all killit. And when the day came that Maclayne sould have bene brocht furth, miserablie to have maid his tragicall end, lyk unto the rest, it pleasit Angus to lowp upon his horse, and to cum furth for joy and contentatioun of mynd, evin to se and behauld the tyrannicall fact with his awin eyis. Bot it pleasit God, wha mearcifullie deilis with all man, and disapoyntis the decrees of the wicked, to disapoynt his intent for that day also, for he was not sa sone on horse, bot the horse stumblit, and Angus fell of him and brak his leg, and so was careit hayme.

The report of this falsset was careit to the Erle of Argyle, Lord Justice Generall of Scotland, wha immediatlie assemblit his freyndis, and thay thocht necessar to compleyne to the King for revenge.

The King directit letters to Angus, be an herauld at armes callit Ormond, commanding him to restore Maclayne in the hands of the Erle of Argyle. But the messenger was interruptit at the heaving port, whare he fould have tayne shipping towart Kintyre, and so returnit. Yit be exceiding travell maid be Argyllis freyns, and many unreasonable strait conditions grantit to Angus, at the last, Maclayne was randrit. Bot within few moneths tharefter, Maclayne maid sic preparatioun of armit men, and assemblit a great number of weill disposit persons, wha came with him to Kintyre for revenge of the former injurie; whare, what be fyre, what be sworde, and what be watter, he destroyit all mankynd, nayne except, that came in his way, and all sort of beast that servit for any domestik use or pleasure of man: And finallie, he came to the verie place whare Angus was mirrelie camping, luing for na sik suddan invasioun for the tyme; geve he had not bene horfit incontinent, and withdrawin him self to a strang castell whilk was nar by, he had bene weill recompaneit for his former traitorie.—It is a certayne rewell, that all fault growis greater be oversight and forgevenes; for geve transgressions be puneist in dew tyme, the Prence not onlie dois his dewtie in executing of justice, to the great contentatioun of the offendit person, and gude example to the posteritie, as a mirror of his gude lyf; bot also, he gevis a terror to all offenders weill to behave thayme felfis, for feare of regorous puneishment.

I have tauld you at lenth the barbarous proceidings of these Ilandishmen, wha althocht thay war writtin for be the King, and subtellie traynit in to Edinburgh, in the yeir of God 1591, with promise of the King saillie to pas and repas, unhurt or molestit in thair body or guddis; yit thay war bayth committit to warde within the Castell of Edinburgh, whare the King, according to equitie, reason, justice and gude policie, fould have put thayme to a tryall, and had thayme convict for sik odious unmearefull crymes committit be thayme, bayth aganis the law of God and man, war notwithstanding demittit frie to repas hayme agayne, for a small pecuniall fowme, and a shaymefull Remission grantit to ather of thame.—*Historie and Life of King James the Sext*, (Bannatyne Club's Edit.) 4to, Edin. 1825, p. 217.

THE quhilk day, Angus M^cConill of Dinnievaig, being enterit on pannell, accusit and persewit be Dittay, be Mr David M^cGill of Cranstoun Ryddell, Aduocat to our fouerane lord, of the crymes following.

DITTAY against Angus M^cConill of Dinnieveg.

FYRST, for the maist heich poynt of Treffoune, committit be him: That he, be him selff and vtheris in his name, of his causing, aganis baith the estait of his Maiestie and Croun, as also aganis the estait of the countrey, in the monethis of September, October, November, December, att the leift in ane or vthir of thame, the yeir of God I^m.V^c.lxxxvij yeiris, tuik vp bandis of men of weir, strangearis, Inglisemen, retenit and kepit thame in cumpanie with him, vnder his waiges, within the countrey of Kintyre, the North and West Iles, invadand and persewand vpoun his particlerlie deidlie feid, borne aganis Lauchlan M^cClayne of Dowart, the said Lauchlane, his kyn, freindis, allya, affisteris and pairt-takaris, being subiectis and inhabitantis of his hienes realme: In the quhilk Invasioun, he, accumpaneit with the said men of weare, strangearis, Inglisemen, maid findrie slauchteris, byrningis, heirschippis and vthir notorious murthouris and opprefiounes, vsurpand thairthrow, our fouerane lordis auctoritie vpoun him; it being expresse inhibite, be the lawis and ordinance of the realme, that na man fould tak vpoun hand, nor attempt, to ftryke drum, raise ony bandis of men of weare,

on horffe or fute, without expres Commiffioun and speciall licence of his Maieftie and Counfall grantit thairto: Lyke as, alfo, it is prohibite, that na Inglifmen be brocht within our fouerane lordis dominion, to protect and affuir ony of his fubiectis be ordour of hoftilitie, as men of weir, quhairbye the eftait of the cuntry or liegis thair of mycht be trublit, vnder the pane of Treffoune: Quhilk deid maift treffonabill, is notorious and can nocht be denyit be yow (him), be reffoune that ye (he) in your (his) Supplicatioun, laitlie presentit to his Maieftie and Counfall in the moneth of July laftwes, fet doune the fame as ane poynt of your (his) Supplicatioun; allegeing the diffoluing of the faid Inglifmen of weir and directing of thame to Ireland, to haif bene a pairt of your (his) obedience; nochtwithftanding the deid it felf is maift treffonabill; quhilk ye (he) can not deny.—ITEM, For the treffonabill raiffing of fyre, byrning and hereing¹ of the Landis of Mull, Terrie, Coill and Loyng, being a pairte of his Maiefties propir landis, and of his hienes realme and dominion: And then vnmercifullie flew, brynt to deid and mordreift twa hundreth perfounes, fubiectis to his Maieftie, men, wyffes and bairnis. And this wes done be him, his men, freindis, ferwandis, affifteris and complices in the moneth of the yeir of God I^m.V^c.lxxxvij yeiris; committand thairbye maift wyild, barberous and treffonabill creweltie.—ITEM, For airt, pairt, red and counfall, of the treffonabill ffyre-raifing and burning of the toune of Cairfaik, in Mwle, and hereing thair of, in the moneth of Junij laftbypaft; in the quhilk treffonabill ffyre-raiffing be him, at leift, he being airt, pairt, red and counfall thair of, reffet and ratihabitoun, M^cIlvray, ane of our fouerane lordis liegis, wes mordreift and flane.—ITEM, Forfamekill as, be Act of Parliament, it is ftatute and ordanit, that in caife ony of our fouerane lordis liegis wer flayne or mordreift, being vnder the credeit and power of the flayer, the committer of fik flauchter fuld be declarit tratour; and the deid to be Treffoune, with foirfaltour of lyffe, landis and guidis: And trew it is and of veritie, that in the moneth of Junij laftwes M^cIlheynych and M^cIlheynych, being captiues and prefoneris, detenit be him be the fpace of dyuerfe dayis, and takyn vnder affurance betwix him and his partie Lauchlane M^cClane; he, in the faid moneth, caufit bring thame out of preffoune, and in his awin prefence caufit ftryke of thair heidis without ony dome, and by² all ordour of law, vfurping his gravis auctoritie; quhairthrow he hes incurrit the cryme of Treffoune and panes thair of.—ITEM, Forfamekill as (he) being ane landit gentleman, hes in all the depredatiounes, ffyre-raifingis, murthouris and heirfchips³ aboue writtin, and in the executing of everie ane of thame, committit manifest thift and ftouth reif of cattell, infycht and pleneiffing, ftollin, reffet and reft be him, his men of weir, kynnifmen, freindis, affifteris and pairt-takeris;

¹ Harrying, plundering, sacking, devastation.
plundering and devastation.

² Past, contrary to, in defiance of,

³ Acts of

quhairthrow, he be the Actis of Parliament hes incurrit the cryme of Tressloun, and aucht to suffer the pane thairof.

REFUSIT to pass to ane Assyis, bot become in our soverane lordis will for the famin.

THE samyn day, Lauchlane M^cClane of Dowart, being accusit and persewit be the said Mr David M^cGill, aduocat, (of the crimes following,) committit be him.

DITTAY against Lauchlane M^cClane of Dowart.

THAT he, be him selff, and vtheris in his name, of his caussing, aganis the estait of his Maiestie and Croun, as also aganis the estait of the countrey, in the moneth of November 1588 yeiris, tuik vp bandis of men of weir, strangearis, Spanzertis, quha were ane pairt of the armie, callit 'THE HALIE LYG,'¹ destinat for suppressioun of all that professit the trew and Cristian Religioune; and swa to subuert the estait of the Kingis Maiestie, his Croun, countrey and commonewelth thairof: Quhairthrow, thay wer fund and declarit, oppin and publict inimes, and swa to be resistit, be Act of Counfall; as in the famin, of the dait the fyrst of August 1588, att mair lenth is contenit: Neuirtheles, he retenit and kepit thame in cumpanie with him, vnder his waiges, within the Ile of Mvll, and remanent North and West Iles, invadand and perseward, vpoun his particular deidlie feid borne aganis Angus M^cConill of Dinneveg; the said Angus, his kyn, freindis, allya, assisteris and pairt-takeris, being subjectis and inhabitantis of his Maiesties realme: In the quhilk invasioun, he, accompaneit with the said men of weir, strangearis, Spanzertis, publict inimeis of the estait, as said is, maid findrie slauchteris, heirschipis, birningis, depredatiounes and otheris notorious murthouris and oppressiounes; and speciallie, in the said moneth of November, he brint with fyre the landis of Canna, Rum, Eg and Ellen-ne-Muk, and hereit the same; he slew and crewillie mordreift Hector M^cCane Channaniche and Donald Bayne his brothir, with ane grit nowmer of wyffis, bairnis and pur laboreris of the ground, about aucht or nyne scoir of sawles, quha had eschapit the fyre, wes noch spairit be his bluidie sword. And att that same tyme, accompaneit with the saidis strangearis, Spanzeartis, publict inimeis as said is, he tuik with him the cannoun, tressonablie besageit the hous of Ardenmvrche, be the space of sax or sewin dayes, he causit schwit diuers schottis thairat, and slew diuers gentilmenne thairin, callit²; vsurpand thairthrow his hienes authoritie: It being expresse inhibite, be the lawis and ordinances of the realme, that na man sould tak vpoun hand to stryke drum, rais bandis of men of weir, on hors or fute, (or) besaige houffis, without expres Commissioun and speciall Licence of his Maiestie and Counfall grantit thairto. Quhilkis deidis maist tressonabill, and speciallie the lifting of men of

¹ The Holy League or Alliance.

² A line left blank in the Record.

weir, Spanzertis, publict inimeis as said is, execute be him, ar notorious.—ITEM, Being accwfit and perfewit, that, fforfamekill that, be Act of Parliament, it is statute and ordenit, that in cais ony of our fouerane lordis liegis wer flayne or murtherit, being vnder the credite and power of the slayer, the committer of sic flauchter fould be declarit traittoure, and the deid to be Tressoun, with forfaltour of lyffe, landis and guidis : And trew it is and of veritie, that in the moneth of Februar, the yeir of God I^m.V^c.lxxxvij yeiris, the said Lauchlane, vnder affurance and freindschip, in compleiting of mariage betuix his moder and Johnne M^cEan of Ardinmurchin, that same nycht eftir the mariage, he, accompaneit with his freindis, seruandis and complices, come to the hous quhair the said Johnnis seruandis wer sleping, dredand na sic iniurie, as ye (he) thane execute, without mercy and pitie he murtherit and flew Donald M^cEan Roy V^cEane, and Johnne Growane M^cIncolliff, with the nowmer of threscoir faules, men and boyes, his graces subiectis ; and the said Johnne (M^cEan of Ardnamurchin) his guidfader, with his boy, wer only faulff be the moyan of his mother : And thairby committing the cryme of Tressoun.—ITEM, For contravening of the foirsaid Actis of Parliament, and committing Tressoun, in sa far as, affurance being takin betuix him and the said Angus M^cConeill, be the travellis of the Erll of Ergylle, in the moneth of July, the yeir of God I^m.V^c.lxxxix yeiris, quhilk wes appoyntit to indure vnto the fyrst day of May lastbypast ; nochtwithstanding thair of, haifing na respect to our fouerane lordis Proclamatioun, maid for keping of guid rewle in his Maiesteis absence furth of this realme, he, without ony feir of God, reverence of his hienes authoritie, nocht regairding his awin ayth, promiseis, subscriptioun or ony kynd of honestie, maist schamefullie contravenit and violatit the said affurance, quhen as, in the moneth of I^m.V^c.lxxxix yeiris, accompaneit with grit forces of men, bodin in feir of weir, came to the landis and Ile of Ornenfay, brunt and herreit the famin ; immediatlie thaireftir come to the landis of Ardnavin in Ilay, and to the Ile of Gigay, pertening to the said Angus, and thair, he nocht only tressonablie rasit fyre and brunt and herreit the famin, bot also, maist wickitlie and vnmercifullie brynt to deid, flew and crewallie murtherit men, wyffis and bairnis being thairin, nocht spairing young nor auld ; being all his Maiesteis subiectis and tennentis, inhabitantis of the said Angus M^cConeillis lands, vnder traist and affurance foirsaid : Committand thairby maist manifest Tressoun, contrar the said Act of Parliament ; and incurrand thairthrow the panis thairin contenit.—ITEM, For the tressonabill ffyre-raising, burning and herreing, of the haill landis of Ilay, being xxiiij myle of lenth, quhilk is a pairt of his graxis propir landis and of his hienes realme and dominioun ; and thane maist vnmercifullie flew, brunt to deid and murtherit Donald M^cDowthie Vayne, Duncan M^cConne in Ilay, Johnne Dow M^cNeill Veid, Alex-

ander M^cRorie Rod, Gilliechallum M^cKay and M^cKay, brethir, Neill Dow M^cGillieveray, Gilliechallum M^cGilliechoane, and fourfcoir gentilmen, befyde ane multitude of wemen, bairnis and puir laboureris of the ground. And this wes done be him, his men, tennentis, feruandis and complices, in the moneth of July lastbypast. Committand thairthrow maist vyld, barbarous and treffonabill crewaltie.—ITEM, Being accusit, fforfamekill as he, being ane landit gentilman, hes, in all the depredatiounis, ffyre-rafigis, murthouris and heirschipis aboue writtin, and in executing of ewerie ane of thame, committit manifest thift, ftouth-reiff of cattell, infycht and pleniffing, ftollin, reffett and reft be him, his men of weir, kynnismen, freindis, affisteris and pairt-takeris : Quhairthrow, he, be the Act of Parliamant, hes incurrit the pane of Treffoune.

Become in our fouerane lordis will for the famin. ‘ INCARCERAT. in Castro de Edinburghe,’ until his Majesties will should be declared.

[CURIA JUSTICIARIE *s. d. n. Regis, tenta in Pretorio de Edinburghe, xxvij January 1590, per Magistrum Vmphridem Blynscheles, Justiciarium Deputatum.*]

Conspiring the King's Death — Witchcraft — Sorcery — Incantation, &c.

Jan. 27, 1590-1.—AGNES SAMPSOUNE in Nether Keythe.

IN ‘ The Historie of King James the Sext,’¹ the extraordinary personage, whose trial ensues, is designated ‘ AGNES SAMPSON, grace wyff, *alias* callit the wyfe wyff of Keyth.’ She is said by Arnot² to have been ‘ a grave matronlike woman, of a rank and comprehension above the vulgar ;’ and Archbishop Spotswod, in his History of the Church of Scotland,³ gives the following interesting notice : ‘ Most of this winter was spent in the discovery and examination of Witches and Sorcerers. Amongst these, Agnes Samson (commonly called *The Wife Wife of Keith*) was most remarkable ; a woman, not of the base and ignorant sort of Witches, but matron-like, grave and settled in her answers, which were all to some purpose. In her Examination, she declared that she had a familiar spirit, who, upon her call, did appear in a visible form, and resolve her of any doubtful matter, especially concerning the life or death of persons lying sick. And being asked, what words she used when she called the spirit, she said her word was, *Holla, Master* ; and that he had learned her so to do. She farther confessed, that the Earl Bothwell had moved her to enquire what should happen of the King, how long he should reign, and what should happen after his death ; and the spirit having undertaken to make away the King, after he had failed in performing and was challenged by her, confessed it was not in his power ; speaking words she understood not, but as she did take them, the words were, *Il est homme de Dieu.*’ This is confirmed by Sir James Melville in his Memoirs,⁴ and was probably contained in her judicial Confession, though not proved before the Assise. Her Trial, like the rest of the present Collection, is now printed at length for the first time. Mr Arnot, notwithstanding its interest, has reported it in a few lines ; for his plan admitted of only an outline, and this of but a few of the leading Cases. Should any of her Examinations be found among the Warrants of the Court of Justiciary or Privy Council, they shall be inserted in the Appendix.

¹ Bannatyne Club's Edition, (Thomas Thomson, Esq., Editor,) p. 241. ² Criminal Trials, p. 349. ³ Page 383. Lond. 1668. ⁴ Edition printed for the Members of the Bannatyne Club, (Thomas Thomson, Esq., Editor,) p. 295.

Dilatit of the particular poyntis of Wichcraft, contenit in Dittay.

PERSEWAR, Mr David M^cGill, of Cranstoun-Ryddell, Advocate to oure fouerane lord.

ASSISA.

Johnne Spens, in Saltoun,	Robert Byris, thair,	Robert Dikfoune, in Boltoun,
Williame Bartram, in Carfra,	Robert Kyle, thair,	Williame Stenhous, in Barnis,
Edmund Bartram, in Hoipis,	Williame Stratherne, in Tranent,	Williame Peris, in Hadingtoun,
David Robefoun, in Braidwod-	Gilbert Edingtoun, in Hading-	Mathow Young, thair,
fyd,	toun,	James Richefoune,
(Chan.) Williame Quhyte, in	Bernard Broune, thair,	Alexander Young thair.
Coilfoune-mylne,	Robert Bagbie, thair,	

VERDICT. Quhilkis perfounes of Affyis, being chofin, fworne and admittit, efter accusatioun of the said Agnes be Dittay; quha removit thame selffis alto-gidder furth of Court to the Affyis-hous; quhair, efter chesing of the said Williame Quhyte cancellair, thay ressonit and votit vpoun the poyntis of the said Dittay; and being throuchlie resoluit thairwith, re-enterit agane in jugement; quhair thay, be the mouth of the said chancillar, fand, pronuncit and declarit the said Agnes,

[*Heir followes the Articles of hir Dittay, quhairof schoe was Convict, be number (53).*]

(1.) To be fylit and convict, of foir-knowlege and telling be hir Witchcraft, that Williame Markeftoun, ferwand to Thomas Watsoun, in Inuerresk, was bot ane deid man.—(2.) ITEM, fylit and convict, that Williame Blakeis sone fark being fend to hir, scho be hir Wichcraft declarit, that the feiknes that he had was ane elf-schot.—(3.) ITEM, fylit and convict, for vsing of Wichecraft, in hailling of Johnne Thomfoun in Dirletoun; quha remanit crepill nochtwithstanding thairrof.—(4.) ITEM, fylit and convict, for telling be hir Wichecraft, that Many Nicolfoun gudeman in North Berwick being feik, scho fould lay hir lyfe for hirs, [his?] quha nochtwithstanding deit thairrof.—(5.) ITEM, fylit and convict, for schawing be hir Wichecraft, to ane pure woman quha was fend to hir, be the freindis of David Lyndesay, tinkler in Dalkeyth, quha had lvin threttie oulkis feik, and had nocht spokkin thre dayes befor the said pure woman come to hir, that gif he levit over Weddinsday, that he wald nocht die of that maladie; quha mendit of the samyn, according to hir declaratioun.—(6.) ITEM, fylit and convict, that forsamekle as Johnne Peiny being in Prestoun, being one ane certane tyme verrie feik, scho, be hir incantatioun and prayer, maid him to convales of his feiknes.—(7.) ITEM, fylit, for vsing of hir prayer and incantatioun to haif haillit¹ Halyburntoun, guidman of Inchcarne, being than in feiknes; and declaring, that na cherurgeonrie nor phisic could help him; quha deceiffit, as scho tauld the samyn.—(8.) ITEM, fylit, for cuming to Bessie Aiken-

¹ Left blank in Record.

heid, spous to Thomas Vans in Hadingtoun, and vſing hir prayer and deweliſch charmes for recovering of hir health to hir.—(9.) ITEM, fylit, that ſcho being ſend for to the Lady Roſlene, quha wes ſeik, ſche knew be hir devilſch prayer, that the ſaid Lady wes nocht hable to recover; and thairfore, ſcho wald nocht cum to hir.—(10.) ITEM, fylit and convict, that ſcho being brocht to Johnne Youngis wyfe, ſchipard att Bairfute, att Paſch¹ laſtwas, that wes ſeik for the tyme, the ſaid Agnes counfall being ſocht, anent hir health, ſche declarit and anſerit, that ſche wald newir be weill ſalang as ſcho remanit vpoun the ground² quhair ſcho wes for the tyme; bot deſyrit, that ſcho ſould be transportit of the ſaid ground, and ſcho wald owthir die or mend; quha being transportit one hir command, ſchortlie thaireftir departit this lyffe.—(11.) ITEM, fylit, that ſche had foir-knowledge be hir Wichcraft of diſeaſit perſounes, gif thay wald leue or nocht; or quha wes wichit³ perſounes. To wit, That gif ſche ſtopit anis in hir prayer, the ſeik perſoun wes bewichit; and gif the prayer ſtopit twyis, the diſeaſit perſoune wald die.—(12.) ITEM, fylit and convict, that ſche foir-knew of the Devill, and tauld Patrik Porteous, that he wald leve bot ellevin yeiris.—(13.) ITEM, fylit, that ſche wes maid foir-knawin of the Devill, of the laſt Michelmes ſtorme; and that thair wald be grit ſkayth, baith be ſee and land.—(14.) ITEM, fylit, that ſche wes maid foir-knawin be the ſpreit,⁴ that the Quenis Maieſtie wald newir cum in this countrey, except the King fetcht hir.—(15.) ITEM, fylit and convict, that ſche lernit hir ſkill and prayer fra hir fader, quha tauld hir, that quhene ſche wes ſwittit⁵ to ony ſeik perſoune, and that gif ſche ſtopit in hir prayer, ſche wald nocht pas to the ſeik perſoun; and gif ſche ſtopit nocht, ſche wald pas, and the perſoun diſeaſit wald leve.—(16.) ITEM, fylit and convict, that ſche be hir dewilyſche prayer, tauld that James Kirkcaldeis wyffe, burges of Hadingtoun, wald convaſes of hir ſeiknes.—(17.) ITEM, fylit, for hailling of Johnne Ker of, being ſeik in all mennis judgment to the daith, quha lay in Alexander Fairleis hous, in Langnudrie; and that be hir prayeris and incantatiounis.—(18.) ITEM, for hailling of Johnne Duncan, in Muſſilburcht, of his ſeiknes be hir deweliſch prayeris.—(19.) ITEM, for the foir-telling of Iſſobell Hammiltounis death, ſpous to James Powar; and telling that ſche could nocht amend hir, except the dewill wes raſit; and hir gudman being ane ſpairand man, and wald nocht wair⁶ expenſſe, ſche wald ne raiſe him; and tauld that ſche wes bewichit; and this wes done ſax or ſewin 3eiris ſyne, or thairby.—(20.) ITEM, convict, for the curing of the guidwyffe of Camroun, quha gaid vpoun ſtiltis eftir hir birth, and that be Wichcraft.—(21.) ITEM,

¹ Easter. ² Land, property, residence. ³ Bewitched. ⁴ This term is frequently used *par excellence* to designate Satan, it being considered by the vulgar to be dangerous to use his name rashly. ⁵ Suited, or made suit to, on account of any, &c. ⁶ Disburse, lay out.

convict, for hailling of the Laird of Reidhallis sone be Wichcraft, quhome the cherurgeanis had gevin owir.—(22.) ITEM, fylit and convict, of the cwing of Robert Dikfoun in Bowtoun, in somer lastwas, quha wes suspect be the woman he gat the barne with, or hir mother, quha had putt sum quheit or vthir thingis¹ in his dowblett; and caufit him to leif of the said dowblett.—(23.) ITEM, for the cwing of Johnne Cokburn the Schereff of Hadingtounis wyffe, quha wes wicheit be the wich of Mirrielawis, be the blast of ewill wind, one Hallaw-ewin.—(24.) ITEM, fylit and convict, of cureing, be hir Wichecraft, incantatioun and faying of develisch prayaris, of Alefoun Ker, spous to Johnne Restoun, of ane feiknes contractit be hir, be the meane of Catherene Gray, ane wich; with the quhilk feiknes sche wes diseasit, be the space of thre yeiris preceding that the said Agnes cureit hir.—(25.) ITEM, fylit and convict, of the vsing of hir develisch airt of Wichcraft, in cureing of, spous to Robert Caringtoun in Craprene (Traprene), qua wes bewichit be vmq^{le} Johnne M^cGill, desyring the said Robert to pas and tak the said Johnne M^cGill, and gif him fair wordes, and desyre him to pas to his feik wyffe; and gif he zaid with fairnes, guid it was; bot gif he will (wald) nocht, desyrit him to cause ane young man ga to him, and inquiryr quha gart him do itt, and to caus him cum to his wyffe; and gif he refutit to cum, to bring him aganis his will; quha being brocht in her presens, sche wes twyis, in xxiiij houris, extreme wod and out of hir wit.—(26.) ITEM, acquit² of hir develisch practefis, and namelie of hir passing to Natoun Kirk vnder nycht, with the witch of Carbarrie and vtheris; and thair taking vp the bwreit people, and junting of thame,³ quhairof scho maid inchantit powder for Wichcraft.—(27.) ITEM, fylit, for cuming to Robert Bailzie in the Pannis⁴ sone, in somer last, quha wes very feik for the tyme; and only graiping⁵ him, and speiking sum wordis of charming, went hir way, and the chyld wes cwrit and maid haill of his feiknes.—(28.) ITEM, convict, for hailling of Johnne Hammiltoun in Sammelftoun, quha being trublit with ane feiknes in his feit, he come to 3ow⁶ (hir), and 3e (sche) fend him haill of the said feiknes, vpoun the morne eftir his cuming.—(29.) ITEM, fylit and convict, for cuming to James Libbertounis wyffe in Over Libbertoun, quha was feik, vsing of hir develisch prayeris for hir health, and said quhen (sche) past away, gif sche come nocht agane schortlie, sche wald depart awa; sche nocht returning, the said James wyffe de-

¹ Enchanted or bewitched. ² (On the margin) Nota, 'Acquit of yis.' ³ Taking away their
'joints,' or joints, for preparing charms, &c. See Articles 42 and 50. ⁴ Viz. Prestonpans.
⁵ Gripping, taking hold, *groping*. ⁶ From the appearance of the Record, it is evident, that 'the
pointis' of the Indictment or Dittay had been engrossed, previous to the trial, to save time in Court.
The Assise returned a 'special verdict,' rehearsing these *pointis*, and *fyling* or *clenging* the pannel,
according to their impression of the evidence. The words 'yow' and 'ye' are usually altered to sche.
In this instance, the clerk has omitted to do so.

partit within thre dayes.—(30.) ITEM, fylit and convict, for hailling of the Lady Kilbabertoune, be hir devilisch prayaris, quha wes diseasit of ane havie diseis.—(31.) ITEM, fylit and convict, for cureing of vmq^{le} Robert Kerse in Dalkeyth, quha wes havelie tormentit with wichcraft and diseis, laid on him be ane Westlande Warlach, quhene he wes in Dumfreis; quhilk seiknes sche tuik vpoun hir selff, and kepit the famin with grit groining and torment quhill the morne; one quhilk tyme, thair wes ane gritt dyn hard in the hous; quhilk seiknes sche caist of hir selff in the cloise, to the effect ane catt or dog mycht haif gottin the famin; and nochtwithstanding, the famin wes laid vpoun Alexander Dowglas in Dalkeyth, quha dwynit and departit thairwith; and the said vmq^{le} Robert Kers wes maid haill.—(32.) ITEM, convict, for the foirtelling, be hir develisch prayer, to vmq^{le} Patrik Hepburne in Banglais wyffe, that hir husband, beand seik, wald die, becaus hir prayer stopit; and thairfore, refusit to pas and visseit him. Quhilk prayer wes reherfit be hir, in maner following:

AGNES SAMPSONE'S *Prayer to hir patientis for liff or daith*.¹

I TROW² in Almychtie God that wrocht, Baith heavin and erth and all of nocht,
In to his deare sone Chryst Jesu, In to pat anaplie³ lord, I trow,
Wes gottin of pe Haly Gaist, Borne of pe Virgin Marie,
Stoppit to heavin, that all weill pane, And fittis att his faderis rycht hand;
He baid ws cum, and pair to dome Bayth quick and deid, as he thocht conuene,
I trow als in pe Haly Gaist. In Haly Kirk my hoip is maist,
That halyfchip quhair hallowaris winnis, To ask forgevenes of my finnis,
And syne to ryis in flesch and bane, The lyffe that newir mair hes gane.
Thow sayis, Lord, 'lovit mocht 3e be, That formd and maid mankynd of me.'
Thow coft me on pe aly croce, And lent me body, faull and voce,
And ordanit me to heavinnis blifs; Quhairfore I thank 3e Lord of pis;
And all 3our hallowaris lovit be, To pray to pame to pray to me,
And keep me fra pat fellon fea, And from the syn that faull wald flay.
Thow, Lord, for thy bytter passioun in, To keip me frome syn and wardlie schame,
And endles damnatioune. Grant me the joy newir wilbe gane.

SWEIT JESUS CRISTUS. AMENE.

(33.) ITEM, fylit and convict, that the fyrst tyme sche begane to serue the Dewill, wes eftir the death of hir husband; and that he apperit to hir, in liknes of ane man, quha commandit hir to acknowledge him as hir maister, and to renunce Chryst; quhairvnto sche grantit, being movit be povertie and his promefis, that sche and hir bairnis sould be maid ritch, and sould gif hir power to

¹ This is neither more nor less than a doggerel version of the Apostles' Creed; perhaps one of the monkish rhymes before the period of the Reformation, which Anny had got by heart. ² Believe.

³ In Lord Fountainhall's Abstract, he reads 'comely'; but the whole 'prayer' is so different from the above, that it has likely been taken from some other MS., or has been most unfaithfully transcribed. 'Anaplie' seems to be written for *aneplie*, 'aefald,' 'afald,' literally *one-fold*, sincere, without guile, &c.

be revangeit of hir inimeis : and eftir that, he appointit tyme and place for thair nycht meting ; and that tyme, in figne that fche wes becum his feruand, he markit hir in the rycht kne, quhilk mark fche belevit to haif bene ane hurt ref-fautit be hir fra ane of hir bairnis that wes lyand in the bed with hir ; quhilk hurt wes nocht haill for half ane yeir.—(34.) ITEM, fylit and convict, that the Dewill apperit to hir in liknes of ane dog, att quhome fche focht hir haill refponfis ; and quhene fche putt him away, fche chargeit him to ‘ depart on the law he lewis one ;’ quha with thay wordis is coniurit and paffis away.—(35.) ITEM, fylit and convict, for failling, with certane hir complices, out of North Bervik, in ane boit lyke ane chimnay, (the Dewill paffing before thame lyke ane ruk of hay,) to ane fchip callit The Grace of God, in the quhilk fche enterit, and the Dewill caufit hir drink wyne, and gaif hir vthir guid cheir ; quhair of fche and hir cumpany gaif ane part to thame that wes in the flott boit ; and att hir being thair, fche faw nocht the marineris, nathir thay faw hir ; and quhene thay come away, the Dewill rafit ane ewill wind, he being vnder the fchip, and caufit the fchip perifch, and fche delyuerit tuentie fchilling to Gray-meill,¹ quha wes with hir in the faid fchip, for his on-waitting.²—(36.) ITEM, fylit, vpoun hir awin confeffione, that fche, be airt of Wichcraft, faillit to ane fchip, quhair thair wes ane vncouth woman, and the Irfch tailzeour and his wyffe wes principallis thair ; and that Rychard Grahame wes ane vthir of the principallis, quha had wrocht mekle mifcheif.—(37.) ITEM, fylit and convict, for cuming to Alefoune Inglis, Daud Robefounis wyffe, than being feik, quha chaift hir away, and wald nocht fuffir 3ow (hir) to vfe 3our (hir) Wichcraft, to the hailling of his wyffe, becaus fche wes brutit³ to be ane wich ; and haifing mett with the faid Daud Robefounis feruand, fche faid to him, ‘ Gif his maifter had nocht fpokin the wordis he fpak, his wyffe had bene ane haill woman, and gangand on hir awin feit.’—(38.) ITEM, fylit and convict, that quhene fche wes fend for to haill the auld Lady Edmeftoune, quhene fche lay feik, befoir the faid Agnes departit, fche tauld to the gentilwemene, that fche fould tell thame that nycht quhiddir the Lady wald haill or nocht ; and appointit thame to be in the gardin eftir fupper, betuix fyve and 12 att ewin. Sche paffit to the gairdene, to devyife vpoun hir prayer, one quhat tyme fche chargeit the Dewill, calling him ‘ Elva,’ to cum and fpeik to hir, qua come in owir the dyke, in liknes of ane dog, and come fa neir to hir, that fche wes effrayit, and chargeit him, ‘ on the law that he lewit on,’ to cum na neirar, bot to anfuer hir ; and fche demandit, Quhiddir the lady wald leif or nocht. He faid, ‘ Hir dayes war gane.’ Than he demandit, ‘ Gif the gentilwemen hir dochteres, quhair thay wer ?’ And fche

¹ One of the warlocks who ‘ kepit the dur’ at the grand convention at North Berwick, called by Sir James Melville, ‘ ane auld fely pure plowman.’ ² Attendance. ³ Reported—Fr. ‘ *bruit*.’

saïd, that ‘The gentilwemen saïd, that thay war to be thair.’ He anfuerit, ‘Ane of thame fould be in perrell, and that he fould haif ane of thame.’ Sche anfuerit, ‘It fould nocht be sa,’ and fwa departit fra hir 3owling. Fra this tyme quhill eftir supper, he remanit in the wall.¹ Quhen the gentilwemen come in, the dog come out of the wall, and apperit to thame; quhairatt thay wer effrayit. In the mene tyme, ane of the saïd gentilwemen, the Lady Torfenge, ran to the wall, being forceit and drawin be the Devill, quha wald haif drownit hir, war nocht the saïd Agnes and the rest of the gentilwemen gatt ane gryp of hir, and with all hir (their?) forceis drew hir abak agane, quhilk maid thame all effrayd. The dog passit away thaireftir, with ane 3owle. Than sche saïd to the gentilwemen, that ‘Sche could nocht help the lady, in respect that hir prayer stopit; and that sche wes forie for itt.’ Mairowre, eftir that sche and ane of hir sifteris careit hir deid² to ane chalmer, quhair sche remanit frenettik thre or four dayes, and crippill ane quarter of ane 3eir, vntill sche vfit hir develisch inchantments to coniure the spreit agane, and sche abaid with hir the tyme that sche lay; and quhen sche could nocht byde langar hir selff, sche send hir sone to byde with hir; and quhene ather of thame wes present, sche wes weill aneuch; but quhen thay baith left hir, sche wes als ewill as sche wes ofbefore.—(39.) ITEM, convict, for that sche haifing done pleasour to the gudwyffe of Gallowschelis, for the quhilk sche did nocht satisfie hir, sa sone als the saïd Agnes desyrit; and thairfore sche saïd to the saïd guidwyffe, that ‘Sche fould repent it;’ and within few houris thaireftir, the saïd guidwyffe tuik ane wodnes,³ and hir toung schot out of hir heid, and swallit lyke ane pott; quhairfore sche send to hir the thing that sche desyrit, and prayit hir to cum to hir, and sche baid the seruand ‘Ga away hame, for the guidwyffe wes weill.’—(40.) ITEM, fyllit and convict, of the delyerie of ane letter, quhilk Johnne Fiene, clark,⁴ maid in George Mutis bak hous, in the Pannis,⁵ accompaneit with the guidwyffe of the hous, Gelie Duncan, Bessie Robsoun, Jokkie Gray-meill, Jonet Gaw, Erisch Marioun, the wobsteris wyffe of Setoun, Robert Greirfoun, the guidwyffe of Spilmourfurd-mylne callit Meg Begtoun, Jame Sparrowis wyfe callit Kait Wallace, quha convenit thair for raising of storme, to stay the Quenes hame-cuming to Scotland; eftir consultatioun, quether Gelie Duncan or Bessie Thomfoun wes meitest to send the letter with; and concludit to send the saïd Gelie, quhilk letter wes send to Marioun Lenchop in Leyth. The effect quhairoff is this: ‘Marioun Lenchop, ge fall warne the rest of þe sifteris, to raise þe wind this day, att ellewin houris, to stay þe Quenis cuming in Scotland.’ Lykeas, they that wer convenit att the Pannis fould do for thair part, beeist;⁶ and to meit thame that wer in the

¹ Well, draw-well. ² In a swoon. ³ Madness. ⁴ ‘Register’ and ‘Secretar’ to the Devil. See his Trial, Dec. 26, 1590. ⁵ Prestonpans. ⁶ To the eastward.

Pannis ; and att thair meting, thay fould mak the storme vniuersall thro the see. And within aucht dayes eftir the said Bill wes delyuerit, the said Agnes Sampfoune, Jonett Campbell, Johnne Fean, Gelie Duncan and Meg Dyn¹ baptisfit ane catt in the wobstaris hous, in maner following : Fyrst, twa of thame held ane finger, in the ane syd of the chimnay cruik, and ane vther held ane vther finger in the vther syd, the twa nebbis of the fingeris meting togidder ; than thay patt the catt thryis throw the linkis of the cruik, and passit itt thryis vnder the chimnay. Thaireftir, att Begie Toddis hous, thay knitt to the foure feit of the catt, foure jountis² of men ; quhilk being done, the sayd Jonet fecht it to Leith ; and about mydnycht, sche and the tua Linkhop, and twa wyfeis callit Stobbeis, came to the Peir-heid, and saying thir wordis, ‘ See that thair be na defait amangis ws ;’ and thay caist the catt in the see, sa far as thay mycht, quhilk swam owre and cam agane ; and thay that wer in the Panis, caist in ane vthir catt in the see att xj houris. Eftir quhilk, be thair inforcerie and enchantment, the boit perischit betuix Leith and Kinghorne ; quhilk thing the Dewill did, and went before, with ane stalf in his hand.—(41.) ITEM, fylit and convict, for making of ane pictour of walx, to the similitude of Mr Johnne Moscrop,³ fader-in-law to Ewfame M^cCalzane, att the said Ewfamis desyre, for the distructione of the said Mr Johnne, and past with the said pictour to ane bray abone ane walter on the landis of Keyth, and rasit the Spreit, quha coniurit the pictour to serue for the distruction of the said Mr Johnne ; and delyuerit the famin to Jonett Drummond, seruitour to the said Ewfame ; and baid hir putt the famin vnder hir guid-faderis bed-heid, or bed-feit : And this sche did, four zeiris syne, before the said Ewphame wes delyuerit of hir last birth.—(42.) ITEM, fylitt and convict, for putting of mwildis, or powder maid of menis joyntis and memberis,⁴ in Natoun Kirk, vnder Ewphame M^cCalzanis bed, tene dayes befor hir birth ; quhilkis mwildis sche coniureit with hir prayaris, for staving and slaiking of grinding the tyme of hir birth.—(43.) ITEM, convict, of the taking of the pane and seiknes of the Lady Hirnestoune, the nycht of hir delyuerie of hir birth.—(44.) ITEM, fylit, of vsing of ane prayer and coniuracioun, quhene sche haillit seik folkis ; quhairof the tennour followis.

AGNES SAMPSONES *prayer and conjuration for hailling of seik folkis.*

ALL kindis of illis that ewir may be, In Crystis name, I coniure ye ;

I coniure ye, baith mair and les, With all pe vertewis of pe mefs,

And rycht sa, be pe naillis sa, That naillit Jesus, and na ma ;

And rycht sa, be pe famin blude, That reikit owre pe ruithfull rwid ;

Furth of pe flesch and of pe bane, And in pe eird and in pe stane.

I CONIURE PE, IN GODIS NAME.

¹ Dunn. ² Joints of dead men. See Articles 26, 42, and 50.
Makcalzean's Trial. ⁴ See Articles 26 and 50.

³ Advocate. See Ewphame

(45.) ITEM, fylit and convict, for the charming of George Dikfounes hors and cattell fra deing, quhairof thair deid threttene ky, oxin and horfis, be the ewill meanes of Johnne M^cGill; and sche haifing reffaut ane ftane of cheis, and half ane ftane of buttir, fra the said Georgis wyfe, thair deit nane thaireftir.—(46.) ITEM, fylit and convict, for the charming of the ky and oxin of Rychard Spens, fermorer for the tyme in Hirmeftoune, and James Quhyte in Gosfurd; by going vp betuene twa and twa of thame in thair byre, ftraiking of thair bakis and wambes, and faying, ‘Aue Maria’ oft owre.—(47.) ITEM, fylit, for being att the conventioun quhair Meg Stillcart, Gray and Jonett Campbell wes with hir, and ane vthir deid fenfyne, being altogidder fyve in number; quhilk wes att the Kirk of Garvett, be-eift Burn-fyde.—(48.) ITEM, for being att the conventioun betuix Coufland and Carbarry, quhair thair was Agnes Straittoun, togidder with the Wich of Carbarrie, and hir felff; quhair sche quarrellit hir maifter the Dewill, and that, in respect sche had newir gottin guid of him, and said sche wald renunce him, bott did it nocht; and he promefit to hir att that tyme, that na thing fould ga aganis hir.—(49.) ITEM, fylit and convict, that sche, with the guidwyffe of Spilmour-fuird, Gelis Duncan, Bessie Thomfoune, Gray-meill, Agnes Stratoune, with certane vtheris to the nowmer of nyne, convenit att Foulstruthir, and thair had thair confultatiounis, how thay mycht wrak Dauid Seytoun and his guidis; and firft, Gelis Duncan, Bessie Thomfoun and Gray-meill, haillit¹ ane coird att the brig, and the said Agnes Sampfoune, cryit, ‘Haill, hola!’ the end of itt wes very heavie. And quhen thay had drawin, the Dewill cam vp att the end of itt, and fperit, ‘Gif thay had been all guid feruandis?’ Than thay demandit him, ‘Quhat way thay mycht wrak Dauid Seytoun and his guidis?’ He gaif to thame cleir thingis, as itt wer fum peaces of glaffe, brayit and mixit with fum peces of coirdis, and fum vthir thingis amangis thame; and baid lay ane threid langis the mwre, and commandit to faw the peces of glas langis the mwre, fwa that quhatfumeir come owre fyrft, fould perifch fuddandle. Bot the said Dauid being ftayit to cum that day, as thay thocht he fould haif done, the wrak lichtit in the hyndis gudis and his dochter, quha ewir fence hes bene heavele vexit with terrible vifiounes and apparitiounes, and hir body tormentit with ane ewill fpreit, quhairwith sche hes bene poffeft maift petiefullie; quhairof sche wes the cheif instrument, reffauing guid deid fra James Porteous and Rychard Crummy to the end foirfaid; and directit Bessie Thomfoune and Anny Stratoune to the place of Foulstruthir, to craif ane lok falt owre the dur heid, quhilk gif thay had gottin, the wrakment had lichtit on Dauid Setoune and his guidis; and becaus the falt wes refuset, the wrakment lychtit vpoune the hyndis barne and his guidis.

¹ *Hawled*, or pulled a rope or cord.

CONVENTIOUN at the *Kirk of North Beruik.*

(50.) ITEM, fylit and convict, fforfamekle as fche confest before his Maieftie, That the Dewill, in mannis liknes, mett hir going out in the feildis frome hir awin hous att Keyth, betuix fyve and fax att ewin, being hir allane ; and comandit hir to be at North Bervik kirk the nixt nycht : And fche paffit thair on horfbak, convoyit be hir guidfone, callit Johnne Couper, and lychtit att the kirk-3aird : Or a lytill before fche come to itt, about ellewin houris att ewin, thay danceit alangis the kirk-3aird ; Gelie Duncan playit to thame one a trump, Johne Fiene, miffellit, led all the rest, the faid Agnes and hir dochter followit nixt ; befydes thir, we Cait Gray, George Moitis wyfe, Robert Greirfoune, Catherine Duncan, Bessie Wrycht, Iffobell Gylour, Johnne Ramsayes wyffe, Annie Rychardsoun, Jonett Gaw, Nicoll Murrayes wyfe tailzeour, Cristiane Caringtoun alias Lukit, Mafie Aichesoun, Marrioune Paterfoune, Alexander Quhytelaw, Marioun Nicolfoune, Marioun Bailzie, Jonett Nicolfoune, Johne Gray-meill, Iffobell Lauder, Helene Quhyte, Margret Thomfoune, Marioune Scheill, Helene Lauder, Archie Henillis wyfe, Duncan Buchquhannane, Marioune Congiltoun, Bessie Gwlene, Bessie Broune the smythys wyfe, Thomas Burnhill and his wyfe, Gylbert M^cGill, Johnne M^cGill, Catherine M^cGill, with the rest of thair complices, abone ane hundreth persounes, quhairof thair wes fax men, and all the rest wemen. The wemen maid fyrst thair homage, and nixt the men. The men wer turnit nyne tymes widderfchinnes about, and the wemen fax tymes. Johnne Fien blew vp the duris, and blew in the lychtis, quhilkis wer lyke mekle blak candillis, ftiking round about the pulpett. The Devill start vp him selff in the pulpett, lyke ane mekle blak man, and callit ewerie man be his name, and ewerie ane anfuerit, ‘ Heir, Mr.’ Robert Greirfoune being namit, thay ran all hirdie-girdie and wer angrie ; for it wes promesit, that he sould be callit ‘ Ro^t the Comptroller alias Rob the Rowar,’ for expreming of his name. The fyrst thing he demandit, was ‘ Gif thay kepit all promiseis, and bene guid seruandis ?’ and ‘ Quhat thay had done fince the last tyme thay had convenit ?’—One his command, thay opnit vp the graves, twa within and ane without the kirk, and tuik of the jountis¹ of thair fingaris, tais and neife, and partit thame amangis thame ; and the faid Agnes Sampfoune gatt for hir pairt, ane windene fcheit and twa jountis, quhilk fche tint negligentlie. The Devill comandit thame to keip the jountis vpoun thame, quhill thay wer dry, and thane to mak ane powder of thame, to do ewill withall. Than he comandit thame to keip his commandmentis, quhilkis war, to do all the ewill thay could. Before thay departit, thay kist his erse. He had one him ane gown and ane hatt, quhilkis wer baith

¹ See Articles 26 and 42.

blak; and thay that wer assemblit, pairt stwid and pairt fatt. Johnne Fiene wes ewer nerrest to the Devill, att his left elbok; Gray-meill kepit the dur.¹—(51.) ITEM, fylit and convict, that quhan hamelines wes contractit betuix hir and Barbara Naipar,² in Dalkeyth, Camroune-brig-end and soche places, the said Barbara lamentit vnto hir, that a man callit Archie had done hir grit wrang; and askit hir counfall, How to be avengeit of him? Quhais anfuwer was, that ‘Sche fould mak the help sche could.’ And eftir puttione³ betuix thame, the said Agnes preparit ane bony small pictour of zallow walx, quhilk sche inchantit and coniurit vnder the name of Archie, in the eist end of the dorcatt of Craigmillar, in the Dewillis name; and gaif power to the said pictour, that, as it fould melt away before the fyre, fwa fould that man, quhais pictour it was, confwme and pyne away, quhill he wer vterlie confwmit; and fwa delyuerit the said pictour vnto the said Barbara; quha said vnto hir, ‘Tak guid tent, that na thing be wrocht to stay the purpos.’—(52.) ITEM, fylit and convict, that sche inchantit be hir forcerie, ane lytill ring with ane stane in itt, to the said Barbara Naipar; quhilk ring sche reffaut fra the said Barbara, sche my^t sche my^t⁴ allure Dame Jeane Lyounis hairt, than Lady Angus,⁵ to love and favour hir; quhilk ring, sche

¹ Sir James Melville has preserved the following account of this singular transaction, in his Memoirs (p. 395 of Edition printed for use of the Bannatyne Club). Reference may also be had to the Trial of Johnne Feane alias Cwninghame, Dec. 26, 1590, &c.—‘About this tym, many Witches wer tane in Lowdien, wha deponit of some (witchcraft?) maid be THE ERLE BODOWELL, as they allegit, against his Maiesteis persone: Quhilk commyng to the said Erlis eares, he entred in ward within the Castell of Edenbrouch, desyring to be tryed; alleging that the Deuell, wha was a lyer from the begynning, nor yet his sworn witches, aucht not to be credited. Specially, ane renowned midwyf callit ANNY SAMPSOUN, affirmed that sche, in company with nyn vthers witches, being convenit in the nycht befyd Prestounpannes, the Deuell ther maister being present standing in the midis of thame; ther a body of wax, schaipen and maid be the said Anny Sampson, wrappit within a lynnnyng claith, was first delyuerit to the Deuell; quhilk eftir he had pronuncit his verde, delyuerit the said pictour to Anny Sampson, and sche to hir nyxt marrow, and sa euery ane round about, saying, “This is King James the Sext, ordonit to be consumed at the instance of a noble man Francis Erle Bodowell!” Efterwart again, at ther meting be nycht in the kirk of North Berick, wher the Deuell, clad in a blak gown, with a blak hat vpon his head, preachit vnto a great number of them out of the pulpit, having lyk leicht candelis rond about him. The effect of his language was till knaw, what skaith they had done, whow many they had won to ther opinion sen their last meting, what successe the melting of the pictour had tane, and sic vain toyes. And because ane auld sely pure plowman, callit Grey Meill, chancit to say, that “nathing ailit the King yet, God be thankit!” the Deuell gaif him a gret blaw. Then dyuers amang them enterit in a raifonyng, maruelling that all ther deuellerie culd do na harm to the King, as it did till others dyuers. The Deuell anfuwerit, “*Il est vn home de Dieu.*” And certainly he is a man of God, and dois na wrang wittingly, bot is inclynit to all godlynes, justice and vertu; therfor God hes preferued him in the midis of many dangers. Now efter that the Deuell had endit his admonitions, he cam down out of the pulpit, and caused all the company to com and kiss his ers, quhilk they said was cauld lyk yce; his body was hard lyk yrn, as they thocht that handled him; his faice was terrible, his noife lyk the bek of ane egle, gret bournyng eyn; his handis and legis wer herry, with clawes vpon his handis and feit lyk the griffon, and spak with a how voice!’² See her Trial, May 8, 1591. ³ *Sic.* Perhaps parley, deliberation. ⁴ *Sic.* Probably meant for, ‘that sche mycht.’ ⁵ See May 8, 1591, in Note to Barbara Naipar’s Trial. SPOTTISWOOD, p. 372, in reference to the Earl of Angus’s death, says, “Never died any nobleman with greater regrate; and so much the more was his death lamented, that it was then thought and afterwards confessed, he was

send agane with hir dochter, within ten dayes thaireftir to the said Barbara, to be vfit to the effect foirfaid.—(53.) ITEM, for ane commoun notorious Wich, and vfar of Sorcereis and Inchantmentis, with the invocatioun of the Dewill hir maister, abufing the pure fimple people, thairwith drawing thame fra the lening to the mercie of God, and to beleive in the support of the Dewill.

SENTENCE.¹ For the quhilk caus, the said Agnes wes ordenit be the Justice, pronunceit be the mouth of James Scheill, dempstar, to be tane to the Castell (hill) of Edinburgh, and thair bund to ane staik and wirreit, quhill sche wes deid; and thaireftir hir body to be brunt in affis: And all hir movable guidis to be efcheit and inbrocht to our fouerane lordis vse, &c.

Parricide.

Apr. 30, 1591.—JOHNNE DIKSOUN, sone and apperand air to vmq^{le} Johnne Diksoun of Belchefer.

Dilatit of airt and pairt of the crewall slauchter of vmq^{le} Johnne Diksoun of Belchefer his fader, committit in July 1588.

PERSEWAR, Mr Daud Mc Gill, Aduocat for his Majesteis intres.

VERDICT. The Assyse, be the mouth of Johnne Farguesoun of Craigdarrauch thair chancillar, fand the said Johnne Diksoun to be fylit and convict of the slauchter of his said vmq^{le} fader.

SENTENCE. For the quhilk cryme, the Justice, be the mouth of James Scheill, dempstar, ordanit him to be brokin vpoun the row,² at the mercat croce of Edinburgh, and all his movabill guidis to be efcheit, &c.

taken away by Sorcery and Incantation. In the time of his sickness, when the physicians found his disease not to proceed of any naturall cause, one *Richard Graham*, who was executed some years after for Witchcraft, being brought to give his opinion of it, made offer to cure him, saying, as the manner of these wizards is, "That he had received wrong." But when he heard that the man was suspected to use unlawful arts, he would by no means admit him, saying, "*That his life was not so dear to him, as for the continuance of it some years he would be beholden to any of the Devil's instruments; that he held his life of God, and was willing to render the same at his good pleasure, knowing he should change it for a better.*" Notwithstanding her improper practices, this lady escaped criminal prosecution.—HOME of Godscroft remarks: 'ANNA SIMSON, a famous Witch, is reported to have confessed at her death, that a picture of waxe was brought to her, having A. D. written on it, which, as they said to her, did signifie *Archibald Davidson*; and shee, not thinking of the Earl of Angus, whose name was *Archibald Douglas*, and might have been called David-son, because his father's name was David, did consecrate or execrate it, after her forme; which she said, if she had knowne to have represented him, shee would not have done it for all the world.' ¹ On the margin, 'Sentence contra Agnes Sampson, convict of Witchcraft.—To be brunt in the Castell-hill, &c.' ² Wheel. This was an unusual punishment in Scotland, and was reserved for cases of the utmost atrocity. An instance of a criminal being broken upon the wheel occurs in the case of Robert Weir, for the murder of John Kincaid of Warriestoun. See Jun. 26, 1604. He was sentenced to be 'brokin vpoun ane row quhill he be deid, and to ly thairat during the space of xxiiij houris: And thairefter his body to be tane vpone the said row, and set vp in ane publict place, betuix the place of Wareftoun and the town of Leyth; and to remane thairupoun, ay and quhill command be gevin for the buriall thair of.'

[*Per M. Vmphridem Blynschelis, Justiciarium Deputatum, et Assessores M. David Carnegie de Colluthie et D. Jacobum Meluile de Halhill.*]

Witchcraft.

May 8.—BARBARA NAIPAR, spous to Archibald Douglas, burges of Edinburgh, (brothir to the Laird of Carschoggill.)

Dilatit of findrie poyntis of Wichcraft, contenit in Dittay gewin in aganis hir, be Mr David M^cGill of Cranstoun-Ryddell, aduocat to our fouerane lord.

PERSEWAR, Mr David M^cGill, Aduocat to our fouerane lord for his hienes interes.

PRELOQUITOURIS for the pannell.

Mr Johnne Ruffell, Mr Johnne Moscrop; Williame, Alex^r and Andro Naipar, burgeffis of Edinburgh.

The Justice efter proponing of diuerse allegeances be the pannell aganis the Dittay and anfuers maid thairto, ordanit the said Barbara to be putt to the triell of ane Affyse, for the crymes contenit in Dittay.

ASSISA.

Johnne Brig, Maister portar to his Maiestie,	James Galbraith, Averieman to his Maiestie,	David Fairlie, merchand burges, Patrik Sandilandis, tailzeour,
George Brig, Maister of the Ail-fellar,	David Seytoun in Fowlstruthir,	burges of Edinburgh,
Walter Bell, att the Mylne of Deane,	William Justice, merchand burges of Edinburgh,	Mr Arch ^d Wilkie, burges of Cannogait,
Hector Clawie, burges of the Cannogait,	Johnne Seytoun, Crilman to his Maiestie,	An ^d Cuthbertsoun, burges of Edr,
	Joh ^e Mowbray, merchand burges,	Robert Cwninghame, burges thair, William Harper, burges thair.

VERDICT. The Affyse, be the mouth of Robert Cwningham chancillar, ffand, pronunceit and declarit the said Barbara Naipar, to be fylit, culpabill and convict, of the feiking of consultatioun fra Annie Sampfoune ane Wich, for the help of Dame Jeane Lyounne Lady Angus,¹ to keip hir fra wometing, quhen sche wes in bredin of barne.—ITEM, For the consulting with the said Annie Sampfoune, for caufing of the said Dame Jeane Lyounne Lady Angus to love hir, and to gif hir the geir awin hir agayne, and gewing of ane ryng for this purpois to the said Anny, quhill sche had fend hir ane courchie² of linning; and fwa for con-

¹ Dame Jeane Lyon, Lady Angus, was eldest daughter of Patrick, ninth Lord Glamis, who married, 1st, Robert Douglas younger of Lochleven, and was by that marriage mother of William Earl of Morton; 2d, Archibald eighth Earl of Angus, anno 1586, after he had divorced his second wife, a daughter of Lord Rothes, for adultery; and 3d, Alexander Lindsay, afterwards Lord Spynie, one of the Kings favourites. The death of the Earl of Angus in 1588, 'was ascribed to Witchcraft, and one Barbary Naipar in Edinburgh, wife to Archibald Douglas of the house of Cashogle, was apprehended on suspicion.'—HOME of Godscroft. Annie Sampson was also concerned in this plot against the life of Angus. Lady Angus does not seem to have been molested for trafficking with these hags, though her great grandmother, Lady Glamis, was brought to the stake for Witchcraft, on more slender presumptions. ² Fr. *Couvrechef*, kerchief, a sort of head-gear then worn.

travening of the Act of Parliament, in consulting with her, and feiking of hir help, being ane Wich.—ITEM, For the consulting with the said Annie Sampfoune, anent the help of hir husband Archibald Dowglas, quhen he wes in the Westland, att the raid of Dumfreis; hir husband being for the tyme vnder feid with the hous of Cowhill.—ITEM, For consulting with Rychie Grahame, ane Nicromanfer and abufar of the people, in feiking of help att him to hir sone; and gratifeing him thairfore, with thre elnes of bombesie and fyve quarteris of broune. This was done in Johnne Ramsayis hous, outwith the West-poirt of Edinburgh; incontrar the tennour of the Act of Parliament maid thairanent; att the quhilk tyme, sche inquyrit att the said Rychie Grahame, gif the King wald cum hame or nocht.—ITEM, For the hunting¹ and consulting with ane Wich and Nicromancear, aganis the tennour of the Act of Parliament maid thairanent.—AND Acquit the said Barbara of consulting with the said Rychie, for ane stollin dowlet² of vmq^{le} George Ker hir husband.—ITEM, (Acquit,) for consulting with Annie Sampfoune, anent the making of vmq^{le} Archibald Erll of Angus pictour, to his distructioun.—ITEM, (Acquit,) for being att the conventioun of North-Bervik; and the haill heidis of the Dittay, except the heidis quhairof sche wes convict.

DOME pronunceit aganis Barbara Naper.

May 10.—The quhilk day ane Lettre producit, subfcryuit be the Kingis Maiestie and his hienes Chancillar, for pronunceing of the dome vnderwrittin, againis the said Barbara; of the quhilk Precept the tennour followis.

‘REX.

‘JUSTICE, Justice-Clark and 3our deutes, We greit 3ow weill. Forfamekill as Barbara Naper, spous to Archebald Dowglas burges of Edinburgh, wes convict in ane Court of Justiciarie, baldin in our Tolbuthe of Edinburgh, pe aucht day of May instant, for pe feiking of consultatioun fra Annie Sampfoune ane Witch, &c.³ Quhairvpoune, na Dome is pronunceit aganis hir as 3it. OURE WILL is heirfoir, and we charge 3ow, that incontinent efter the sycht heirof, 3e pronounce the Dome aganis hir, for the saidis crymes, according to the lawis of our realme and Actis of Parliament: That is to say, that scho fall be tane to the Castel-hill of the burcht of Edinburgh, and thair bund to ane staik besyde the fyre and wirreit pairat quhill scho be deid; and pairefter hir body brunt in the said fyre, and all hir movabill guidis escheted to our vse as convict of the saidis crymes. As 3e will anfuer to ws vpoune 3our office and obedience. Quhairanent thir presentis fall serve 3ow as sufficient Warrant. Subfcryuit with our hand, at Halyrudhous, the tent day of Maij, 1591.

(Sic subfcribitur)

‘JAMES R. J. CANCELLARIUS.’

‘DOME’ was pronounced accordingly, ‘be the mouth and declaratioun of William Gray, Dempstar of the said Court.’

Eftir pronunceing of the quhilk Dome, the said Barbara declarit that scho was with barne; and thairfoir alledgeit, that na executioun of the said Dome culd

¹ Haunting, frequenting the society.

² Dowblet?

³ Here the verdict of the Assise is inserted.

be vfit aganis hir, quhill scho was delyuer of hir birth;¹ and thairvpoune askit instrumentis.

Rapt and Ravinghing — Forcible Abduction.

May 27.—ROBERT CARNECROCE callit *Mekle Hob*, Robert Ramsay in Cummislie, Quintene Boustoune in Edinburgh and Johnne Wallace in the Cannogait.

Dilatit of airt and pairt of the Rapt and Raveifching of Jeane Ramsay Lady Warreiftoune, aganis the Actis of Parliament and lawis of this realme maid thairanent; committit the xix day of March lastbypast.

PERSEWARIS.

Jeane Ramsay Lady Warreiftoune, George Ramsay apperand of Dalhouffie, Mr D^a M^cGill, Aduocat.

PRELOQUITOURIS for the pannell.

Mr Johnne Cramond,

Andro Ker, brother to the Lord

Johnne Wallace of Craigie,

Johnne Home 3 ounger of Coldin-
knowis,

of Newbottill,

Nicoll Cairnecroce of Calfhill.

Continued to the Justice-aire of Edinburgh and Jedburghe, *respectiue*, 'Ter-
tio Itineris, vel xv dierum. Plegio, Nicolao Carnecroce de Calfhill, pro omnibus.'

[*Mr Johnne Grahame and Mr Vmphrey Blynschelis, Justices-Deputes.*]

Wilful Error on Assise — Acquitting a Witch.

Jun. 7.—JOHNNE MOWBRAY, merchand burges of Edinburgh,² and eleven others, being the majority of jurors upon Barbara Naipar's Affyse.

Dilatit of manifest and Wilfull Errour committit be thame, in acquitting of Barbara Naipar spous to Archibald Dowglas, brothir to the Laird of Carschoggill, of the poyntis of Treffoune and Wichcraft, vnder writtin.

PERSEWAR, Mr David M^cGill of Cranstoun Ryddell, Aduocat to our fouerane lord.

The famin day, the personnes on pannell dilatit and accusit be dittay contenit in our fouerane lordis lettres, purchest att the instance of the Aduocat aganis them, and produceit be him in Judgement; quhairof the tennour followis.

DITTAY *against the Assisors on Barbara Naipars Inquest.*

JAMES, be pe grace of God, &c. That quhair, Barbara Naipar spous to Archibald Dowglas, wes vpoun pe aucht day of Maij I^m.V^c.lxxxj 3eiris, accusit in ane Court of Justiciarie, haldin in pe Tolbuith of Edinburgh, ffor feiking help, respons and consultatioune, att Rychard Grahame, notoure and knawin Nigromancear, ane commoun abusar of pe peopill, baith aganis pe will and ordinance of God

¹ Home of Godscroft says, that 'nobody insisting in the persute of her, she was set at libertie.'

² It may be noticed, that the minority of this 'Affyse' consisted of, the 'Maister of the Ail-fellar,' the 'Crilman to his Maiestie,' and David Seytoun in Fowlstruthir, probably his brother or relation.

and Actis of Parliament and law of pe countrey : And specialle, fforfamekill as, during our fouerane lordis being att pe Brig of Die, before the commoun bell rang, for feir the Erll Bothwell sould haif enterit in Edinburgh, scho declarit to pe said Rychard, that sche hard ane woman say, that our fouerane lord wald gett skaith be ane taid or gangrell ; and defyrit of him, quhat he thocht pairof, and that he wald schaw to hir his opinioun pairof the morne ; quha consultit with pe Spreit¹ pairanent, and ressaunt be his respons, that his Maiestie wald be trublit be conventioun of wemen, throw pe dropping of ane taid : and als, Rychard lauching vpoun hir, declairit pair, att pat samyn tyme, that scho, Effie McCalzan and Donald Robefoune sould be thre of pe doaris of itt : quhilk quhen scho hard, scho schuik hir heid : Quhilk wes affermit be pe said Richard Grahame, in hir and the saidis persounes presens. AND siclyke, the said Barbara wes accusit, that scho gaif hir presens, in pe maist develisch and trefsonabill Conventioun, haldin be hir and hir complices in pe Devillis name, vpoun Lambmes-ewin last, att pe New-heavin callit Aitchefounes-heavin, betuix Muffilburcht and Prestoune pannis, sin his Maiestie come furth of Denmark ; quhair war assemblit nyne principallis, to witt, Agnes Sampfoune, Jonett Straittoun, Ewfame McCalzeane, hir selff, Johnne Fiene, Robert Greirfoun, George Moitis wyffe in Prestoune, Margrett Thomfoun in Striuling and Donald Robefoune ; quhilkis nyne persounes, the Devill, quha wes with pame in liknes of ane blak man, thocht maist meit to do pe turne for pe quhilk thay wer convenit ; and pairfore, he sett pame nyne nerrest to him selff, in ane cumpany ; and thay, togidder with pe wyffe of Saltoune-myle and pe rest of pe inferiouris, to pe nowmer of threttie persounes, standand skairse pe lenth of ane buird frae pe foirsaid nyne persounes, in ane vther cumpany ; Agnes Sampfoune proponit pe distructione of his hienes persoune, saying to pe Dewill, ' We haif ane turne ado, and we wald fayne be att itt gif we could, and thairfore help ws to itt.' The Dewill anfuerit, he foud do quhat he could, bott itt wald be lang to, because it wald be thoirterit ;² and he promesit to hir and pame ane pictour of walx, and ordenit hir and pame to hing, roist and drop ane taid, and to lay pe droppis of pe taid, mixt with strang wasch,³ ane edder-skyn,⁴ (and) the thing in pe foirheid of ane new-foillit foill, in his hienes way, quhair his Maiestie wald gang inowre or outowre, or in ony passage quhair itt mycht drop vpoun his hienes heid or his body, for his hienes distructione, that ane vther mycht haif rewlit in his Maiesties place, and pe ward⁵ mycht haif gane to pe Dewill. Att pe quhilk conventioun, his hienes name wes pronunceit in Latine ; and Agnes Sampfoun wes appointit to mak pe pictour and to gif it to the Dewill to be inchantit, quhilk scho maid in deid, and gaif itt to him ; and he promesit to giff it to pe said Barbara and to Effie McCalzan, att pe nixt meting, to be roistit. Margarett Thomfoun wes appointit to dropp pe taid. Thair wes ane appointit to feik sum of his hienes linning clathis, to do pe turne with. And Gelie Duncan, vpoun pe fyftene day of December lastwas, in pe said Barbareis face and Effie McCalzanis, avowit on pame baith, att pe fyrst fycht, sche saw hir estir hir cuming to pe Abay, and before sche had spokin thre perfyte speicis afoir hir, affermit that Agnes Sampfoune mett with hir and pe said Effie, in pe said Barbareis awin hous ; and the said Gelie Duncan and Bessie Thomfoune being pair also, togidder with Johnne Fiene, quha said to Gelie, that he wald ga West to his fader, and eikit forder, that thair wes ane taid hingand be pe helis thre nychtis, and droppit betuix thre oister schellis and nyne stanis, fottin thre nychtis ; att quhat tyme na man luikit or suspectit to haif hard ony sic thing : As the particular Depositiones of pe said Donald Robefoune and Jonett Straytoun, quha constantlie abaid att pe famin, quhilk wes repetit be pe Aduocatt ; the Depositiones of Gelie Duncane and Rychard Grahame, ewerie ane for pair awin pairtis and circumstances, being confrontit togidder, manifestit and maid playne. AND siclyke, the said Barbara wes accusit, that sche gaif hir bodelie presens vpoun Alhallow-evin lastwas, 1590 zeiris, to pe frequent conventioun haldin att pe Kirk of North-Berwik, quhair sche danceit endlang pe Kirk-3aird, and Gelie Duncan playit on

¹ *Par excellence*, the Devil.² Thwarted, frustrated³ Stale urine.⁴ The skin of an adder.⁵ Forworld, world ; perhaps it may be used in the literal sense, *ward*, rule, or government.

ane trump, Johnne Fiene, missellit,¹ led pe ring; Agnes Sampfoun and hir dochteris and all the rest following pe said Barbara, to pe nowmer of sevin scoir of persounes; of pe quhilk nowmer, wes Effie McCalzan, Katherene Gray, Mergarett Aichfoun, Donald Robefoun, Robert Greirfoun, Katherene Wallace, Meg Bogtoun, Jonett Campbell, Jonett Logane, Johnne Gordoun *alias Gray-meill*, the portaris wyffe of Seytoun, Jonett Straytoun, Bessie Thomfoun, Catherene Duncane, Bessie Wrycht, Iffobell Gylloun, Johnne Ramsfayes wyffe, Anny Rychefoun, Jonett Gall, Nicoll Murrayes wyffe, tailzeour, Cristian Keringtoun alias *Likkitt*, Masie Aichfoun, Marie Paterfoun, Alexander Quhytelaw, Marioun Nicolfoun, Marioun Bailzie, Jonett Nicolfoun, Iffobell Lauder, Helene Quhyte, Margrett Thomfoun, Marioune Schaw, Helene Lauder, Malie Geddie, Duncan Buchquhannane, Marioun Congiltoun, Bessie Cowane, Bessie Broune, the smythis wyffe, Thomas Brounhill and his wyfe, Gilbert McGill, Johnne and Catherene McGillis, with diuerse vtheris, to pe nowmer aboue writtin: Att pe quhilk place and tyme, the wemene maid fyrst pair homage, and wer turnit fax tymes widderfounes about; Johne Fyen blew vp pe Kirk durris, and blew in pe lychtis, quhilkis wer lyke mekill blak candillis, haldin in ane auld mannis hand, round about pe pulpett. And pe Dewill start vp in pe pulpett, lyke ane mekill blak man, with ane blak baird stikand out lyke ane gettis² baird; and ane hie ribbit neise, falland doun scharp lyke the beik of ane halk; with ane lang rumpill; cled in ane blak tatie goun; and ane ewill favorit scull bonnett³ on his heid; haifand ane blak buik in his hand, callit on ewerie ane of pame, desyring pame all to be guid serwandis to him, and he fould be ane guid maister to pame, and thay fould haif anewch and newer want. For Robert Greirfoun and Johnne Fien (thay) stuid on his left hand; and the said Robert ffind grit fault with the Dewill, and cryit out, that all quhilkis wer besyd mycht heir, becaus his hienes pictour wes nocht gewin pame, as wes promesit; the said Effie McCalzan remembrand and bidand pe said Robert Greirfoun to speir for pe pictour, meaning his Maiesteis pictour, quhill fould haif bene roistit. Robert Greirfoun said thir wordis, 'Quhair is the thing ze promesit?' meaning pe pictour of walx, dewysit for roisting and vndoing his hienes persoun, quhilk Agnes Sampfoun gaif to him; and Robert cryit to 'haif pe turne done;' zit his hienes name wes nocht nameit, quhill⁴ thay that wer wemen nameit him; craifand in playne termes his hienes pictour. Bot he anfuerit, 'It fould be gottin pe nixt meitting, and he wald hald pe nixt assemblie for pat caus the soner: It was nocht reddie at pat tyme.' Robert Greirfoun anfuerit, 'ze promesit twyis and begylit ws.' And foure honest-like womene wer very ernist and instant to haif itt: And the said Barbara and Effie McCalzane gatt pan ane promeis of pe Dewill, that his hienes pictour fould be gottin to pame twa, and that rycht sone: And pis mater of his hienes pictour wes pe caus of pat assemblie. In takin quhairof, the Dewill commandit pe said Barbara and all her cumpany, to keip his commandementis; quhilk wer, to do all the ewill thay could: Also, thair wes pane thre deid corps tane vp and juntit; the naillis and juntis wer pairtit amangis pame. The Dewill commandit pame to keip pe juntis vpoun pame, quhill the samin dryit; and than to mak powder pairof, to do ewill with. Eftir pe quhilk, thair homage being made, as the fassoun is, in kissing of pe Devillis ers, thay pairtit for pat tyme, without ony mair done; except, that Effie McCalzane, Robert Greirfoun and the said Barbara, hapnit to be nameit pair; quhilk offendit all pe cumpany: And that thay fould nocht haif bene nameit with pair awin names; Robert Greirfoun, to haif bene callit *Rob the rowar*; Effie to be callit *Cane*; and the said Barbara, to be callit *Naip*. And trew this is, and provin be Donald Robefoun, Jonett Straittoun, Gelie Duncan and Bessie Thomfoun, quha ar zit on lyffe. QUHILK, being put to pe knowlege of ane Inqueist; thay nochtwithstanding, vpoun pe nynt day of pe month and zeir of God foirsaid, Clengeit and Acquit, be favour and partial meanis, the said Barbara Naipare. That, forsamkill as, during his Maiesteis being att pe Brig of Die, the day before pe common bell rang, for feir the Erll Bothuell fould haif enterit in Edinburghe, sche declarit to pe said

¹ Disguised, muffled, masked. ² Goat's. ³ An *ill-faured*, or ugly sort of skull-cap; a dress which fitted closely to the shape of the head, chiefly worn by judges and lawyers. ⁴ Until.

Rychard Grahame, that sche hard ane woman say, that þe King wald get skaith be ane taid or gangrell, &c.¹ Quhairthrow thay, and ewerie ane of þame, could pretend na ignorance; att þe leift, nethir of law nor conscience could haif acquit hir þairof; the samin being verifeit, be þe constant assertioun and Depositoun of ane pairt of þe witneffis being present in Judgement for þe tyme, as is aboue writin, and be þe Depositionis of þe vthir pairt producit: And þairfore, did manifestlie and wilfullie err, contrar þe lawis and prattik of þe realme; Incurrand þairby the horribill cryme of Periurie, *et penam temere jurantium super Affisam*.

And thay, being requyrit be the Justice, HIS MAIESTIE being sittand in Judgement, quhiddir thay wald abyde the tryell of the law and of ane Assyse for the saidis crymes, or cum in will thairfore? Eftir lang deliberatioun and consultatioun, thay refusit to abyde the tryell of ane Assyse thairfore; bot come *simpliciter* in his hienes will, for Ignorant errorr committet be thame, in acquyting of the said Barbara, of the crymes and poyntis of Dittay aboue reherfit.

SENTENCE. Quhilk will, HIS MAIESTIE publictlye, in Judgement, in presens of his hienes Lordis of Secreit Counfall, declarit to be, That he, understanding that it wes nocht Wilfull Errorr thay committit, in acquyting in maner foirsaid; and thairfore Ordenit, that the foirsaidis persounes and ilk ane of thame salbe Affoilezeit fra all penalties in body, guidis or fame, in tyme cuming,

Vpoune the declaratioun of the quhilk will, thay and ilk ane of thame askit act and instrument.

Treasonably Conspiring against his Majesty's life—Witchcraft—Sorcery—Murder, &c.

Jun. 9.—EWFAME MAKCALZANE,² (of Cliftounhall,) spous to Patrik Makcalzane *alias Moscrop*.

[EWFAME MAKCALZANE, the subject of the following remarkable Trial, was only daughter and heiress of Mr Thomas Makcalzane Lord Cliftounhall, one of the Senators of the College of Justice; a person distinguished alike for his general erudition and attainments, by the depth of his legal knowledge, and by his talents as a statesman. As this family is now extinct, and considerable curiosity must naturally be felt regarding the parentage of so extraordinary a character as Effy Makcalzane, the Editor has made some investigation in the public Records, where alone any traces are now to be found; and he hopes that the following brief notices will prove not unacceptable.

Mr Thomas Makcalzane had early followed the profession of the Law, and had, before the year 1556, entered as an Advocat. On Nov. 10, 1556, through the powerful interference of Mary of Guise, Queen Regent, the Magistrates and Town Council of Edinburgh were constrained to deprive him of his office of Assessor for the City, 'for evill, heich and vnpleisand langage to hir grace,' in the discharge of his official duties; most probably, for the independent manner in which he had pleaded the rights of 'the Good Town. Nothing daunted, the Assessor protested against this decree, and, after the lapse of a few months, was restored, by command of the Queen Regent, Jun. 5, 1557.³ He was

¹ Here the evidence is recapitulated.

² Called Effy (the familiar abbreviation for Euphemia), by Sir James Melville in his Memoirs, and by other contemporary writers.

³ Liber Statutorum Burgi de Edinburgh.

‘infest’ in the lands of Cliftonhall, anno 1557, when he is designed, ‘M. Thomas Macalzeane, advocatus, burgen. de Edinburghe.’¹ ‘Maister Thomas Macalzeane of Cliftounhall’ was appointed one of the Ordinary Lords of Session, under the style of Lord Cliftounhall, Oct. 20, 1570, on the demise of Henry Balnavis, Lord Hallhill. He obtained Letters of Remission, (apud Leith, May 2, 1572,) for his treasonably assisting James late Earl of Arran, and George late Earl of Huntlie, in detaining the burgh of Edinburgh against his Majesty. On Jul. 25, 1578, he was nominated by the Estates of Parliament to be one of the Commissioners ‘to treat vpoun the Lawes.’ And on the same day he was appointed one of the Commissioners, with the Earls of Buchan and Ruthven, &c., to ‘decyde in ane caus betuix the Gordounis and the Forbesses’—a deadly feud then subsisting between these families and their retainers. ‘Honorabilis vir Magister Thomas Macalzeane de Cliftounhall, unus Senatorum Collegij Justicie,’ Dec. 1, 1578, constituted his only lawful daughter Euphemia Macalzeane his executrix and his assignee, to redeem the lands of Cliftounhall from Henry Macalzeane, advocate.² Dec. 4, 1584, Mr Henry Makcalzeane, advocate, is ‘retoured’ as heir to William his brother, in the ten merk land of the town and lands of Carkettle, in the barony of Prestoun and shire of Edinburgh. ‘The 24 of Junij (1591), Euphane McKalzen ves brunt for Vitchcrafte,’³—‘as a notorious Vitche.’⁴

At what date Lord Cliftounhall died, the Editor has not been enabled to determine precisely,⁵ and the investigation might occupy much more time than he can at present command, or than the importance of the enquiry demands; but, as his lordship was succeeded in his office of an Ordinary Lord of Session by John Lindsay, parson of Menmure, Master of the Metals, &c., who took his seat as a Judge, Jul. 5, 1581, he had probably died during the preceding month.

The sentence against Ewfame of course carried along with it a forfeiture of her Estates of Cliftounhall, &c. as well as her movable effects, on account of the treason of which she had been found guilty. She left three daughters⁶ by her marriage with Patrik Makcalzeane, alias Moscrop, who was son and heir-apparent of Mr John Moscrop, advocate,⁷ a person of considerable eminence in his profession. Her husband took the name of Makcalzeane, at the request probably of his father-in-law, or in compliance with the entail of the estate. These ladies, Martha, spouse of Mr David Ogilbie, Elizabeth, and Ewphame, spouse of Henry Sinclair of Quhitekirk, were formally Rehabilitated by Act of Parliament, his Majesty being ‘tuichit in honour and conscience,’⁸ and now being of mynd that the said foirfaltour and convictioun fuld onnawysis hurt or prejuge hir posteritie.’ The Act of Rehabilitation, dated Jun. 5, 1592,⁹ accordingly restored them to the estates belonging to their deceased mother and grandfather, burdened with a payment of 5000 merks to Patrik Makalzeane their father, ‘payit and delyuerit be the said Patrik to our said fouerane lord and his hienes donatour, for the Gift of Forfaltour of the said vmq^{le} Ewfame.’ The King, however, clogged this act of grace with a very unpalatable reservation; for the lands of Cliftounhall were expressly reserved to his favourite, Sir James Sandelandis of Slamanno, knight, and to his heirs, to whom his Majesty had previously gifted that valuable property; and all action, which the deceased had against Mr Henry Macalzeane for the redemption thereof. These heiresses-portioners therefore could reap but little benefit from the succession; and

¹ Protocol-book of James Harlaw, Notar Public, from 1549 to 1585, in the General Register House. It was at this period by no means unusual for Advocates, Writers to his Majesty's Signet, and Notaries, to become burgesses of Edinburgh; but whether this was a necessary step, towards the exercise of their profession within the burgh, the Editor has not been able to determine. He is rather inclined to think it was a voluntary act; and that the reason of such persons purchasing the freedom of the burgh, was, that they might confer a right upon their descendants to become burgesses upon easier terms, and to obtain for themselves other civic privileges. ² Probably his brother. See Harlaw's Protocoll. ³ *Burrell's Diary*, p. 26. ⁴ *Marjoribank's Annals*, p. 55. ⁵ He ‘died in the year 1581.’ *Lare's Memorials*, p. 33. ⁶ Besides these daughters who survived her, she had at least two sons; ‘Thomas,’ mentioned at the commencement of the Trial, and another son, mentioned in article 18 of the Dittay. The means she used for ‘helping’ them, probably cut them off in early infancy. ⁷ On Dec. 2, 1573, Mr Johnne Moscrop, advocat, Katharine Lytill his spouse, and Patrik Moscrop (alias Makcalzeane), his son and heir-apparent, got Remission for their treasonably being present at the field of Langside, May 13, 1568. ⁸ No wonder! ⁹ *Acta Parl.* 1592, cap 132, fol. 608.

the estate having passed to the family of Sandilands, and no male heirs existing, the name of Makcalzeane of Cliftonhall became extinct. On Sep. 25, 1596, Ewfame the daughter was retoured, as heiress-portioner to her deceased grandfather, in certane small annualrents, payable out of some tenements in Edinburgh.

That a person, moving in the rank of society which Ewfame Makcalzean occupied, should have leagued with the obscure and profligate wretches who figure in the Trials for Witchcraft at this period, for the destruction of her sovereign, and that too by such unlikely and absurd means, seems irreconcilable with any ideas of sanity which can now be formed. It is evident, however, that she *believed* herself, as well as her associates, to be possessed of supernatural powers; and that she had the firmest reliance in infernal agency. The only reason which can be assigned for such frantic and detestable conduct seems to be, that she was devoted to the ancient Roman Catholic faith, and thus bearing personal hatred against the King and the Reformed Religion; she was besides a zealous partisan of Bothwell, and proved herself capable of using every means which he might suggest, or which she herself perversely considered to be most calculated to advance his interests and the predominance of her party. It is worthy of remark, that three days before Ewfame's cremation, Bothwell 'brak out of the Castell of Edinburgh, quha had beine ther, in prisone, some 20 dayis befor, *for alledgit Vitchcraft and consulting with Vitches, especially vith ane Richard Grahame, to conspyre the Kingis death*; and upone the 25 of Junij,¹ the said Earle Bothwell wes forfaulted, and intimation made therof, by opin proclamation at the croffe of Edinburgh.² It is known that Bothwell had much traffick with Witches, and was himself esteemed an expert Necromancer.³

Dilatit of certane treffonabill Conspiraceis interpryfit be Wichcraft, to haif destroyit oure fouerane lordis perfoune, and bereft his Maiestie of his lyffe be that schameful and extraordinar meanis: And being airt and pairt thair of, vpoun the counfall (and) consultatioun with diuerse vtheris Wichis of hir societie: And diuers vtheris crymes of Wichcraft committit be hir, att lenth specifeit in the Dittay maid thairvpoune.

PERSEWAR.

Mr David McGill of Cranstoun-Ryddell, Aduocat to our fouerane lord (for his hienes interest.) PRELOQUITOURIS for the pannell, Mr Johnne Moscrop, Mr David Ogilvie, Robert Ker in Duddingstone, Henry Nisbet, burges of Edinburgh, Mr Johnne Russell, Mr Johne Skene, Aduocatis.

Comperit the said Mr David McGill, Aduocatt, and produceit ane Dittay, maid att lenth, aganis the said Ewfame; and contractit in thir heidis vnderwrittin, to be putt to the knowlege of ane Affyse: Quhair of the tennour followis.

DITTAY against Ewfame Mackalzeane.⁴

EWFAME M^cCALZANE, Ye ar indytit and accusit, (1.) For airt and pairt of the bewiching of Michell Marioribankis, be ftrykeing of him be Wichcraft, with ane extraordinar diseis, be taking of the power and habilitie of his rycht fyde, arme and leg fra him; be youre selff, and your complices be your moyane; committit in Apryle 1577.—(2.) ITEM, Indytit, for consulting with Catherene

¹ The day of Ewfame's execution. *Spottiswood, &c.*

² *Birrell's Diary*, p. 25.

³ *Law's Memorials*, p. xliii.

⁴ This is stated to be only an abstract of the Dittay, and 'contractit in thir heidis.'

Campbell, ane Ersch womane, knawin to be ane notorious Wich; and inter-
tinneing hir in your awin hous and Barbara Touris hous, feiking help of hir to
youre bairnis; speciallie to help youre sone Thomas, be youre airt; to quhome
ye send his fark to that effect, with Helene Inglis your seruand, and twa xxx f.
pecis, for hir help.—(3.) ITEM, For consulting with the said Catherene, anent
the bewiching and slauchter of Patrik Moscrop, your husband, quhairby ye
mycht gett ane vtheir guidman; and consulting with hir, quhome ye fould
marie.—(4.) ITEM, Indytit, of airt and pairt of the traffiking with Agnes Somer-
vall, spous to Gilbert Anderfone in Dunfermling, ane commoune trafficquar with
Wichis; inquiryng of hir, ‘Gif sche knew ony wittie or skilfull wemene in the
countrey, that will owthir caus your husband love yow, or ellis gett your will of
him;’ to quhome ye gaif twa fair cleane farkis of your husbandis, to be careit
owre the walter,¹ to be inchantit be thame, att the same tyme your husband fell
in feiknes. Quhilkis farkis, sche tuik with hir to that effect; and brocht hame
agane be hir, inchantit: And thairby, feiking help, respons and consultatioun of
Wichis, to the distructioun of your spous, be Wichcraft.—(5.) ITEM, Indytit,
of airt and pairt of the poyfouning of the said Patrik Moscrop, your husband,
vpoun deidlie malice contractit aganis him, the fyrst yeir of your mariage; be
gewing to him of poyfoun, and cuist the rest thairof in the closett; quhairby his
face, nek, handis and haill body, brak out in reid spottis: Quhilk poyfoun wes
expellit be his youth. And seing the same twke na effect, as ye dewyfit, ye still
continewand in your vndewtifull behaviour and impatience to see him on lyffe,
quhom ye preiffit be all meanis possibill to cutt away; the said Patrik being
wereit of his lyffe, be the daylie truble he had in youre cumpany, wes compellit,
for faulftie of his lyffe, to expone him selff to the seais, and to pas to ffrance in
youre defalt. Lyke as, ye, to be quyte of him, sparit nocht, in all pairtis, to feik
ane hundreth crownis, for his furnitour² away; and spairit nocht speik, that
your guidman wes passand to France, and baid ‘the ffeind ga with him!’—(6.)
ITEM, Indytit and accusit, that increffing in youre dewelische consultatioun
with Wichis, to the wrak and distructioun of the said Patrik your husband, and
efter he had returnit out of France, ye, still invying his health, and feiking to
dstroy him be Wichcraft foirsaid; ye send your said husbandis dowblett, with
Josias Coupar your seruand, airtie in the morning, to Catherene Campbell the
Wich-wyffe, duelland in the Cannogait; quhilk dowblett the said Wich sprink-
lit with blude, and inchantit it with vtheris forcereis, and randerit itt agane to
the said Josias your seruand; quhilk be brocht hame, afoir his maisteris ryfing:
Eftir the quhilk, your husband contractit ane hevie diseis, and pynit thairin

¹ Water, a word frequently used in MSS. of this period.

² His outfit and furnishing for his

voyage.

mony monethis; quhilk wes na naturall feiknes, as wes testifeit and declarit be the cherurgeanis. Lyke as, the said consultatioun wes reveillit thaireftir, be the said Josias your seruand, for the discharge of his conscience; and he, for that caus, past aff the countrey to Danskin.—(7.) ITEM, Indytit, that to mak hir (yow) perfyte and weill skillit in the said airt of Wichcraft, sche (ye) causit ane vther Wich, quha duelt in Sanct-Ninianis-raw, inaugwrat yow in the said craft, with the girth of ane grit bikar, turnand the same oft owre your heid and nek, and oftymes round about your heid; quhilk wes reveillit be Marioune Love, dochter to Catherene Lyell younger, to the said Katherene hir moder.—(8.) ITEM, Ye ar indytit, that ye, haifing confaut ane deidlie malice aganis the said Catherene and Walter Scott hir spous, for declaratioun of youre inawgwring foir-said, sene and persavit be the said Marioun Love; ye, be youre airt of Sorcerie and Wichcraft, bewichit hir and hir husband, in thair bodeis, guidis and geir: And swa, for airt and pairt of bewiching of the said Catherene Lyell and Walter Scott, in thair bodeis, gudis and geir, to thair grit skaith and heirschip.—(9.) ITEM, Indytit, of bewiching, be your airt of Sorcerie, of vmq^{le} Johnne Yonstoune, sone to Williame Yonstoune, your husbandis sifter sone, being ane young man of xvij yeiris of aige; be the quhilk Wichcraft he deit: And swa, for airt and pairt of the crewall Slauchter and Murthour of him; only, for reveilling of your vndewtifull behaviour to youre husband, he being familiar in your hous; as the takinnis contenit in the said Dittay att mair lenth verifeis.—(10.) ITEM, Indytit, that ye, haifing confaut ane deidlie malice aganis Jonet Cokburne, dochter to Johnne Cokburne, maltman in Hadingtoun, for the doun-bringing of your purs, belt, glas and claithis, out of the chalmer, and haifing laid down the same vpoun the buird,¹ your husband tuik vp your said purs, and wald haif opnit itt; but opnit it nocht: For the quhilk, ye said to the said Jonett, ‘Weill, madin, haif ze lattin pis be done? ze sall repent itt fra zoure hairt.’ Catherene Carrutheris alias callit *Erisch Jonett* and ye, laid in hir way and passage, sic inchantit mwildis² and powder, that in schort space thaireftir, thair came ane swarff³ owre hir hairt, and sic ane flaffing⁴ in hir breift, as itt had bene sum quick thing,⁵ peching and panting, heaving vp hir body; quhair-with, sche is diseasit half ane hour, ewerie tyme sche takis itt; oft in the nycht and oft in the day; continewing sumtymes half ane day; haifing mair strenth nor hir accustummit maner, in tyme of hir health: And swa, for laying of muldis and powder be Wichcraft and Inchantment, in the said Jonett Cokburnis gait; be the quhilk, sche confaut ane feiknes, and wes mekill trublit thairwith, and is yit, be your airt and Wichcraft —(11.) ITEM, For the crewall Slauchter

¹ Table. ² Earth taken from dead men's graves, &c. See Jan. 27, 1590. ³ Swooning. ⁴ Palpitation of the heart. ⁵ Live.

and distruction of vmq^{le} Ewfame Punfray be Wichcraft.—(12.) ITEM, For al-
lwing, be your develische Wichcraft, Inchantment and Incantatioun, of Joseph
Dowglas of Punfraistoune, to love yow; vnder culloure and cloik (of) mariage
with youre dochter; and for the distruction of youre husband: In taikin quhair-
of, ye gaif him ane craig cheinzie,¹ twa belt cheinzeis, ane ring, ane emirent² and
vtheris your jewellis.—(13.) ITEM, Indytit, for the consulting with Jonett
Cwninghame in the Cannogait, als callit *Lady Bothwell*, ane auld indytit Wich
of the fynest champ, 18 3eiris fyne or thairby, for to haif poysonit Joseph Dow-
glas of Punfraistoune, and that be ane potioun of composit walter, quhilk ye fend
Johnne Tweddall youre seruand for, to be brocht vp to Barbara Toureis hous,
in ane chopene stoup; quhilk wes ressauit be him, and delyuerit to the said Bar-
bara.—(14.) ITEM, Indytit and accusit, for sending with Jonett Drummond
your seruand, certane Wichcraft, of deliberat mynd to haif bewichit Marie Sande-
landis, ane madin, att that tyme vnder promise of mariage to Joseph Dowglas
of Punfraistoune, sche being thane in the Braidschaw; and to disswad hir, fyrst,
fra the said promise of mariage of the said Joseph, becaus he had gewin his
promise and faith to ane vthir gentilwoman; and that he had the glengore³ him
selff.—(15.) ITEM, Indytit, that be youre airt of Wichcraft, ye travellit to stay
and imped⁴ the mariage of the Laird of Punfraistoune with Marie Sandelandis;
and to that effect, directit Jonett Drummond, sumtyme youre nwrice, with sum
of youre charmes and inchantmentis, to offend the persoun of the said Marie;
quhairby, the said mariage mycht haif bene stayit.—(16.) ITEM, Indytit, of the
seiking help, consultatioun and respons, fra Annye Sampfoun, as ane Wich, and
knewin to be ane notorious Wich, for recovering of your jewellis and eidentis
agane, fra the Laird of Punfraistoune; and be frequent sending of Jonett Drum-
mond, your sumtyme nurrice, to the said Annye, to that effect, aboue sewin
tymes; and in the ane of the tymes, sche rasit the Spreit, be voce and nocht
bodelie; quha declarit, that the samin sould be delyuerit to the said Jonett
Drummond, thair messinger fend to seik the respons.—(17.) ITEM, Indytit, of the
bewiching of twa of the Laird of Punfraistoune's bairnis, his eldest sone and doch-
ter, to the deid.—(18.) ITEM, Indytit, of consulting and seiking help att the
said Anny Sampfoune, ane notorious Wich, for relief of your payne in the tyme
of the birth of youre twa sonnes; and ressaing fra hir to that effect, ane boird-
stane,⁵ to be layit vnder the bowster, putt vnder your heid, Inchantit mwildis
and powder put in ane peice paipar, to be vfit and rowit in your hair; and att
the tyme of your drowis,⁶ your guidmannis fark to be presentlie tane of him,

¹ Neck chain. ² Emerald. ³ Lues venerea. ⁴ Hindered, impeded. ⁵ Bored stone,
probably a Fairy-stone,—a stone having a natural hole, formed by the action of water, &c. ⁶ Birth-
pangs or throes.

and laid woumplit¹ vnder your bedseit. The quhilk being praktesit be yow, as ye had reffauit the famin fra the said Annie, and informatioun of the vse thair-of; your seiknes wes cassin of yow, vnnaturallie, in the birth of youre fyrst sone, vpoun ane dog; quhilk ranne away and wes newir sene agane: And in the birth of your last sone, the same prakteis foirsaid wes vfit, and your naturall and kindlie payne vnnaturallie cassin of yow, vpoun the wantoune catt in the hous; quhilk lyke wyis, wes newir sene thaireftir.—(19.) ITEM, Indytit, for airt and pairt of the consulting with the said Annie Sampfoun, for the distroying of Mr Johnne Moscrop, your fader-in-law, be Wichcraft, about foure yeiris syne, or thairby: And to this effect, sending with Jonett Drummond your seruand, ane pictoure of walx, send in ane buist,² inclofit within ane guise,³ to the said Anny; and ane seruiett with beif, woimplit about the guise; quhilk pictour the said Annie gaif to the Dewill to be inchantit; and the famin being inchantit be him, wes send hame agane to yow with the said Jonett Drummond, for doing of the turne, as the said Annie declarit that itt sould serue.—(20.) ITEM, Indytit, for your develisch consultatioun with Agnes Sampfoune, pairtlie be your selff, and pairtlie be the trafquicking of your auld agent Jonet Drummond, how to be revangeit vpoun Mr Johnne M^cGillis wyffe; and resolutioun being tane with Agnes Sampfoune, ane notoure Witch, sche send yow sum Wichcraft and Inchantments with the said Jonett Drummond, quhilk ye caist in att Mr Johnne M^cGillis windok; quhilk wes ane bairnis aiproune and halfclaith,⁴ with sum thing bund thairin: And this mater being reveillit be vthiris, your seruandis, ye caust the said Jonett Drummond to deny the same, quhen itt wes laid to hir charge: Lyke as, sche hes confessit, that sche wes daylie and nychtlie trublit with terribill spektacles and visiounis; as, scho vissiblie, in ane chalmer flwre of youris, att twa eftir none, saw ane naikit man stand in the middis of the said chalmer, with ane quhyte scheit about him: As also, Jonett Aitchefoun youre seruand, being send att twell houris att ewin to draw ane drink, saw lykewyis ane naikit man behind hir, with ane fark; the slewis of the serk vpoun his leggis, and the taill about his heid; quhilk terrifeit hir: Quhilk visiounis man haif procedit of your dewilisch airt of Wichcraft: As also, the said Jonett Aitchefoun wes trublit with hurchounis.⁵ Quhilk Wichcraft foirsaid, wes cassin in agane, att the said Mr Johnne M^cGillis windok; and being fund and opnit out, kythit to be ane pictour of clay, and ane portrat of Elizabeth Home, spous to the said Mr Johnne, sewitt in ane windeine scheit; about the quhilk wes ane auld blak much⁶ woimplit, thairin inclofit fyve clewis of findrie culloures of worsett, as of

¹ Folded up. ² Box, chest. ³ Goose. An acceptable present, besides affording concealment from those less knowing than Anny. ⁴ A child's apron or pincloth, and neck-cloth. ⁵ Urchions, hedgehogs, Fr. *hérisson*; perhaps the term is used for imps of the Devil. ⁶ Mutch or cap, folded up.

blak, reid, orange, yallow and blew. Quhilkis Sorceries, Agnes Sampson confessit ye maid youre selff. As also, the said Agnes Sampson confessit, that Jonet Drummond brocht to her the same auld much, quhilk scho inchantit; lyke as also, the said Jonet Drummond hes confessit the careing¹ thair of to the said Agnes.—(21.) ITEM, For making of ane pictour of flour and clay, for bewiching of Elizabeth Home spouse to Mr Johnne M^cGill, and causing cast the same in att the said Mr Johnneis kiching windok for that effect.—(22.) ITEM, Indytit, for airt and pairt of the slauchter and distruction, be your devilisch craft of Wichcraft and Inchantment, of Lillias M^cCalzean, dochter to Mr Henry M^cCalzean,² ane barne of sex yeir auld; and that be rubbing of hir face with youre naipkin, vpoun ane Soneday eftir none; quhen sche fell vpoun the calsey att youre cloise heid; quhairby sche deit.—(23.) ITEM, Indytit and accusit, of the conventicle had att North-Berwik Kirk, tuentie dayes before Michelmes, 1590; and thair inquyring for the Kingis pictour, gewin be Annie Sampson to the Dewill, to be inchantit, for the tressonabill distruction of the King.—(24.) ITEM, Indytit, for being att the Conventioun haldin at the New-heavin callit the Fayrie-hoillis, att Lambmes lastwes, to the effect immediatlie aboue writtin.—(25.) ITEM, Indytit and accusit, for ane Conventioun haldin be yow and vtheris notorious Wichis, youre associattis, att the Brvme-hoillis; quhair ye and thay tuik the sea, Robert Greirfoun being youre admerall and Maister-manne, past owre the sea in riddillis to ane schip, quhair ye enterit with the Dewill, your maister, thairin; quhan, eftir ye had eittin and drukkin, ye caist ovr ane blak dog that skippit vnder the schip, and thairby, ye hewing the Dewill your maistir thairin, quha drownit the schip be tumbling: Quhairby, the Quene wes putt bak be storme.—(26.) ITEM, Indytit, for consulting with the said Annie Sampson, Robert Greirfoun and diuers vtheris Wichis, for the tressonabill staying of the Quenis hame-cuming, be storme and wind; and raising of storme, to that effect; or ellis to haif drownit hir Maiestie and hir cumpany, be coniuring of cattis and casting of thame in the see, at Leith, and the bak of Robert Greirfounis hous.—(27.) ITEM, Indytit, for airt and pairt of the distruction of ane boit, betuix Leith and Kinghorne, and threscoir of persounes thairin, be your conventioun be vther Wichis, and be your and thair Wichcraft; as is notour.—(28.) ITEM, For an commoun Wich.

THE quhilk day, the said Dittay being red to the said Ewfame in judgement, as itt wes produceit att lenth be the Aduocatt, and drawin summarlie in heidis, as is aboue mentionatt: Eftir diuerse obiectiounis maid aganis the samin be hir and hir preloquitouris, and diuerse protestatiounis maid in hir name, and an-

¹ Carrying.² Advocate.

fueris maid thairto be the Aduocat ;¹ the Justice ffand, be Interloquitour, that the faidis heidis fould be putt to the knowlege of ane Assyse : And the Assyse being chofin, that fche mycht propone hir defenffis to the faid Assyse.

ASSISA.

James Johnstoune of Elphin- stoune,	James Inglis, merchant burges of Edinburghe,	James Somervall of Humbie, Alexander Fairlie of Braid,
. Anstruthir, younger of that ilk,	James Elphinstoune in Bogie,	 Grahame of Knokdolian,
Mr Williame Leslie of Cunlie,	Clemmett Kincaid of the Coittis,	David Prestoun of Craigmyller,
Johnne Logane, portioner of Couftoune,	George Mowbray of Seyfeild,	 Balfoure of Bandone,
	Johnne Drummond of Slipper- feild,	David Balfour of Bello.

INTERLOCUTOR. The Justice-deputis, be reffoun of diuerse objectionis maid be the pannell, aganis the poyntis of Dittay aboue writtin, to the Assyse ; and anfueris maid thairto be the Aduocat ; and that they continewit quhill fewin houris att ewin : Continewit the mater to the morne, in the fame forme, force and effect as it wes thane : And caufit incarcerat the faid Ewfame ; and warne the Assyse to be present the morne att aucht houris in the morning, ilk perfoun vnder the pane of ane hundreth poundis.

(Jun. 10.)—INTERLOCUTOR. The Justice, be reffoun 3it of the objectionis maid be the pannell aganis the poyntis of Dittay, and the Depositionis of findrie perfounes maid for verificatioun thair of, and anfueris maid thairto ; thay haifing continewit quhill fewin houris att ewin : Continewit the faid mater, in fame forme, force and effect as is now ; and imprefonit the faid Ewfame quhill the morne ; and wairnit the perfounes of Assyse to compeir the morne, ilk perfoun vnder the pane of ane hundreth poundis.

(Jun. 11.)—THE famin day, eftir proponing of the haill obiectiounis be the pannell aganis the Dittay, and verificatiounis thair of, and anfueris maid thairto be the Aduocat ; the above perfounes, being chofin, fborne and admittit, thay removit altogiddir furth of Court to the Counfal-hous ; quhair thay remanit all that nycht ; and eftir the chesing of James Johnstoune of Elphinstoune Chancillar of the faid Assyse, thay votit and reffonit vpoun the poyntis of the faid Dittay ; and continewit pronunceing of thair delyuerance quhill the morne.

ARTICLES of CONVICTION and VERDICT of the Assyse.

(Jun. 12.)—THE quhill perfounes of Assyse, eftir lang deliberatioun and continewance in the Counfal-hous, vpoun the reffoning and voting vpoun the poyntis of the faid Ewfame McCalzanis

¹ It is perhaps to be regretted that no notice is preserved in the Record, of the long pleadings which occupied the whole of this and the two following days. Neither has any record been kept of the evidence adduced. Should the Depositions of the witnesses be found amongst the loose papers belonging to the Court, (which are very numerous, and have never been arranged or examined,) they shall be given in the Appendix.

Dittay; being throwchlie auifit thairwith, re-enterit agane in Court, and thair, be the mouth of the said James Johnstoun of Elphinstoun chancillar, ffand, pronunceit and declarit the said Ewfame, (1.) To be Fylit, culpable and convict, of consulting with Catherene Campbell, ane Ersch woman with ane fallin neife, duelland for ane lang space in the Cannogait heid, ane notorious Wich; and intertineing the said Catherene in hir awin hous, and in the hous of Barbara Toures, the relict of vmq^{le} James Harlaw,¹ seiking help of hir to hir bairnis; speciallie to Thomas hir sone, to quhome sche send his fark with Helene Inglis hir seruand.—(2.) ITEM, of the bewiching, be hir airt of Sorcerie, of Johnne Yonstoun, sone to Williame Yonstoun, hir husbandis sifter sone, ane young man of sewintene yeiris of aige; quhairby he deit: And swa, for airt and pairt of the slauchter of the said vmq^{le} Johnne, be the said airt.—(3.) ITEM, of the consulting with Jonett Cwninghame in the Cannogait heid, alias callit *Lady Bothwell*, ane auld indytit Wich of the fynest champ, auchtene yeiris syne or thairby, for poysoning of Joseph Dowglas of Punfraistoun, and that be ane potioun of composit walter, quhilk sche send hir seruand Johnne Tueddall for, to be brocht vp to Barbara Toures hous in ane chopene stoup; quhilk wes ressaute be him, and delyuerit to the said Barbara.—(4.) ITEM, of the seiking help, consultatioun and respons, fra Annie Sampfoun, knawin ane notorious Wich, for recovering of hir jowellis and emdent² agane fra the Laird of Punfraistoun; and that, be the frequent sending of Jonet Drummond, sumtyme hir nurrice, to the said Annie to that effect, aboue sewin tymes.—(5.) ITEM, for consulting with Annie Sampfoun ane Wich, for getting of mwildis fra hir, to be vfit be the said Ewfame, in releif of hir payne, in hir birth of hir twa sonnes.—(6.) ITEM, of airt and pairt of the consulting with Annie Sampfoun, for distroying of Mr Johnne Moscrop, hir fader-in-law,³ be Wichcraft, about foure yeiris syne or thairby; and to that effect, sending with Jonett Drummond hir seruand, ane pictour of walx, send in ane buist inclofit within ane guise, to the said Annie, and ane seruiet with beiff woumplit about the guise; quhilk pictour the said Annie gaif to the Dewill to be inchantit; and the famin being inchantit be him, wes send hame agane to hir with the said Jonett Drummond, for doing of the turne; as the said Annie declarit to the said Jonet, that it sould serue thairto.—(7.) ITEM, fand hir culpabill, of making of ane pictour of flowre and clay, for bewiching of Mary Home, spous to Mr Johnne M^cGill, and causing cast the famin in att Mr Johnne M^cGillis kiching windok, to that effect.—(8.) ITEM, culpabill, for the treffonabill Conventicill had be hir, Annie Sampfoun, Johnne Fiene and diueris vthiris, att North Berwik-Kirk, tuentie dayes before Michelmes 1590; and thair, inquiring for the Kingis pictour, gewin be the said Annie Sampfoun to the Dewill, to be inchantit be him, for the treffonabill distruction of the King.—(9.) ITEM, convict of the treffonabill Conventioun, haldin be him, hir and thame, att the New-heavin, callit Aichesounis-heavin, att Lambmes lastwas I^m.V^c.lxxxx, to the treffonabill effect immediatlie aboue writtin, viz. in seiking of ane pictour, to the treffonabill distruction of the King.—(10.) ITEM, convict of commoune Wichcraft and Sorcerie, and vsing of the said Wichcraft aganis findrie his hienes liegis.—(11.) AND ALS, Acquit the said Ewfame of the haill remanent poyntis contenit in hir Dittay foirsaid, quhairof sche wes accusit.

Doom of Forfeiture and Sentence of Death.

(Jun. 15.)—The quhilk day, Ewfame M^cCalzane, spous to Patrik Moscrop alias M^cCalzane, being presentit on pannell, as sche that wes convict of before, be ane condigne Assyse, in ane Court of Justiciarie, haldin in the said Tolbuith in Edinburghe, the tuelt day of Junij instant; for the consulting with Catherene Campbell, ane Ersch woman with ane fallin neife, &c. (here the above

¹ Probably the widow of the Notary whose Protocol-book has been quoted in the Notice prefixed to this Trial. ² Emerald stone. ³ He appears as one of the 'Prelocutouris' in her defence.

articles of conviction are rehearsed.)—For the quhilk crymes, the said Justice-depute ordanit the said Ewfame, be the mouth of Williame Gray dempfstar, as culpabill and giltie thairof, to be takin to the Castel-hill of Edinburghe, and thair bund to ane ftaik and brunt in affis, quick,¹ to the death : And all and findrie hir landis, heretageis, takis, ftedingis, roumes, posseffiounes, coirnis, cat-tell, guides and geir, to be forfeitit and escheit to our souerane lordis vfe.

[ANOTHER unfortunate *hiatus* in the Records of the High Court of Justiciary takes place at this period; the Books of Adjournal, from October.. 1591 to May 18, 1596, having been lost. The Editor has been at some pains in tracing the loss of this portion; and it is so far satisfactory that he is enabled to report, that this must have occurred previous to the time when Lord Fountainhall framed his MS. Abridgement;² which is still preserved in the Advocates' Library. That eminent lawyer leaves a blank for inserting notices of the proceedings, in case the Record should afterwards have been found; but he does not hazard any conjectures as to the time the missing volume had been taken away or destroyed. It is to be hoped that the volume may still be preserved; and that, if it has found its way into any public or private collection, it may yet be restored to the Clerk of Justiciary.

In a second MS. Collection, also preserved in the Faculty's Library, and understood to have been compiled by Lord Roystoun,³ it would appear that the same deficiency had still existed in his lordship's time. The following memorandum is transcribed from that Abstract:⁴

'NOTA. As there is no Record from October 1591 to 17th May 1596, we are deprived of what past in that intervall. I shall therefore notice what tryals are mentioned by Spotswood, during that time.

'First, he mentions, page 391, that David Grahame of Fintrie was found guiltie, and beheaded, 16 Feb. 1592, for being concerned in a Popish plott; the particulars whereof are there narrated, and in a printed Narrative, anno 1593, London.

¹ This was the severest sentence ever pronounced by the Court, even in the most atrocious cases. In ordinary instances of Witchcraft, the culprit was previously strangled at the stake, before being burnt. Ewfame Makcalzean endured her fate with firmness and obstinacy to the last. She does not appear to have repented her crimes, but rather seems to have gloried in what she had attempted.

² 'Ane Abridgement of the Books of Adjournall.' W. 1. 26. Sir John Lauder (Lord Fountainhall) was one of the fifteen Ordinary Lords of Session, appointed after the Revolution, Nov. 1, 1689. On his death, he was succeeded in his office by Andrew Fletcher, (Lord Milton,) Jun. 4, 1724, after having sat upon the bench for the long period of almost thirty-five years.

³ Sir James MacKenzie (Lord Roystoun) was appointed an Ordinary Lord of Session on the resignation of Lord Prestonhall, (R. Mackenzie,) Jun. 7, 1710, and was succeeded by Charles Areskine, (Lord Tinwald,) Nov. 29, 1744.

⁴ 'Abstract of the Books of Adjournal,' Advocates' Library, M. 5. 14. fol. 161.

‘ Stewart E. of Bothwell, in Aug. or Sept. 1593, tryed and acquit of consulting with witches against the King’s life. Vid. Agnes Sampson’s tryal, as mentioned, page 383, in Spotswood.

‘ In the Parl^t, anno 1594, the Earls of Angus, Huntlie and Errol, are forfaulted, for the same treason and Popish plot for which Grahame of Fintrie was forfault in Feb. 1592.

‘ Allan Orme, servant to the Earl of Bothwell, and James Cochran, keeper of Blackness Castle, execute for art and part in Bothwell’s treason. Executed in Oct. 1594.’

In order to supply, in some measure, the want of this Volume of the Books of Adjournal, the Editor has ventured to insert in this place, rather than in an Appendix, pretty copious extracts made by him from the Records of the Privy Council of Scotland. These notices are, for the most part, necessarily taken merely in abstract. It is greatly to be wished, that the truly valuable mine of historical information contained in the Acts of Secret Council, may, through the liberality of His Majesty’s Commissioners on the Public Records, be speedily published, under the superintendence of the present Deputy Clerk Register; to whose indefatigable and well-directed exertions, the restoration of the Records of Scotland is mainly to be attributed. The present state of the Public Registers, and the facilities now afforded for consulting them, would reflect honour on any country.]

(May 19, *apud Halirudhous*.)—WILLIAME MAISTER OF ANGUS and DAVID GRAHAME of Fintrie, being baith personallie present, decernit to tyne thair lyverentis, being dilaitit and accufit, that thai had declynit fra the trew and Chrifteane Religioun, refuising to reforte to the preicheing of Godis worde; and that, be reffoning or disperfing of buikis or lettres, thay had prefumit to persuade his Maieftis subiectis to declyne fra the professioun of the trew religioun, and thairthrow had incurrit the pane of tinfale (lofs) of all thair mouable guidis, togidder with the lyfrentis of thair landis, &c.

(May 21, *apud Edinburgh*.)—Alexander Guthrie, fear of Kincaldrum, become actit and obleift as cautioner and fouirtie to WILLIAM DOUGLAS (MAISTER OF ANGUS), eldest sone lauchfull to Williame Erll of Angus, that he fall repair to the toun of Dundee, within the fpace of foure dayis eftir the dait heir-of, and thairin remane, quhill he mak faill and depairt furth of this realme, within the fpace of fourty dayis thaireftir: And that he fall nocht returne agane within the same, without his Maieftis licence obtenit to the same effect, vndir the pane of ten thousand pundis.

(Sic fubfcribitur) ALEX^R GUTHRIE appeirand of Kincaldrum.

(May 24, *apud Falkland*.)—SIR JAMES DOUGLAS of Drumlangrig, knicht, and his deputis, fuspended and discharged ‘of all vſing of the office of Baillierie’ of the regalitie of Mortoune, ‘ay and quhill it be tryit quhiddel he be denudit of the richt and poſſeſſioun of the ſame or nocht;’ for ‘cwming with convoca-tioun of his hienes liegis in armour, vpoun the xxvij day of Marche laſtbipaſt, to the toun and landis of Penpont, quhair Thomas Kirkpatrik of Cloſburne, Shereff-depute of Drumfreis, with his memberis of Courte, wer fitting in juge-ment, in ane fenſit Courte haldin be him, and violent taking away of Johnne Wilſoun in Haghill furth of the ſaid Courte, eftir he was enterit vpoun pannell, and reddy to have vnderlyne the tryale of ane Affiſe, for certane crymes of thift committit be him, and ſlaying.’

(May 24.)—Proclamation againſt NINIANE CHIRNESYDE, ſeruitour to Frances Erll Bothuill, for treaſonably conſpiring the death of the king, ‘be Witchcraft, Sorcerie and vtheris traterous and diabolicall meanis.’

(Jun. 25, 1591, *apud Edinburgh*.)—Proclamation againſt ‘FRANCES ſum-tyme ERLI BOTHUILL, that, notwithstanding of his Majeſtys clemency, &c. in ſuperceding, as of befoir, the pronunceing of dome aganis him, in hoip of his converſioun, penitency and amendment, quhill now that his hienes, perſaving that he hes gevin him ſelf ower altogidder in the handis of Sathan, and that his ſpreit has ſa michtelie prevalit into him, that he yit ſtill inſiſtis, without feir of God, or reſpect to honeſtie or ſchame of the warld, to continew in all kynd of filthines, heiping treſſoun vpoun treſſoun, aganis God, his Maieſtie and this his native cuntrie, euir aſſiſting ſic perſonis, be force, counſall and vtherwayis, as wer and ar innemeis to God, his hienes, and ſocht the ſubuerſioun of the trew Religioun; takand the mantenance of tratouris, murtheraris and vtheris wickit perſonis, quha, to impetrat impvntie of thair wickit lyffis and libertie to do evill at all tymes, maid thair dependance vpoun him; he having alſua now at laſt, for the better executioun of his wickit intentioun and treſſonabill conſpiracie aganis his Maieſteis awin perſoun, had conſultatioun with Nygromanceris, Witcheis and vtheris wickit and vngodlie perſonis, bayth without and within this cuntrie, for bereving of his hienes lyff, confeſſit be ſum of the ſame kynd, alreddy exe-cute to the deid, and ſum vtheris yit on lyve, reddie to be execute for the ſame cryme: And being wardit within the Caſtell of Edinburgh quhill he had bene tryit of the ſame, he hes now at laſt eſchopit, and ſua hes takin the ſaid treſſon-abill cryme vpoun him, eftir that his hienes nochtwithſtanding had yeildit to ſum conditionis concerning his libertie: ffor the quhilk caus, and for the formar treſſonabill offence quhair of he wes convict, in maner foirſaid, his Maieſtie now at laſt hes cauſit pronounce the Dome and Sentence of fforfaltour aganis him; as the ſamyn at mair lenth beiris: Swa that preſentlie he remanis a declarit rebell,

tratour and innymie to God, his Maiestie and this his natiue cuntrie.'—Therefore 'that nane reffet, supple, schaw fauour, intercommoun, nor haue intelligence' with him, &c.

(Jul. 21.)—The Lords declare a certain Letter of Relaxation, in favour of COLINE CAMPBELL of GLENLYOUN, 'to have bene and to be maist priuelie and surreptitioullie purchest¹ of his Maiestie, without his hienes priuie or allowance; and thairfoir of nane avale, force nor effect.' And ordained the Letters of Horning, Caption, Treason and Commiffion following thereupon, 'purchest be Dame Agnes Sinclair Countesse of Errole, and Alexander Gordoun of Strathdoun hir spous, for his intres, to be put to forder executioun in all pointis.'—On Sep. 25, 1587, Campbell of Glenlyoun was denounced rebel and put to the horn, 'be virtue of twa feuerall letteris rasit at hir instance; the ane for nocht comperance, personallie, befoir his Maiesties and Lordis of Secreit Counfall, to have ansuerit to ane complaint maid be hir vpoun him; and the vther for not restoring and delyuering to hir of certane gudis, geir, inficht pleniffing, jowellis, gold, filuer and vtheris spulzeit be him fra hir, or ellis the avale and pryces thairof perticulerlie specifit and contenit in the saidis letteris. And becaus he remanit contempnandlie at the said proces of horne vnrelaxt, the said Dame Agnes purchest letteris, be deliuerance of the Lordis of Secreit Counfall, quhair-with scho causit charge him, and the keparis and detenaris of his duelling-houffis respectiue, to rander and delyuer the samyn to the officiar executour of the saidis letteris; as alsua, to entir his persoun in ward within the Castell of Blaknes, within a certane space mentionat in the same letteris, vnder the pane of treffoun; quhilk chargeis he maist prouddie and contempnandlie dissobeyit; and thairfoir, scho wes forceit to crave his Maiesties Commiffioun for persute of him self, and assageing of his houffis and strenthis with fyre and sward: ffor staving of the executioun quhairof, he hes of lait, be the moyen of sum schameles and vndiscreit personis, preferring thair awin prevat gayne and commoditie to his hienes honour, maist priuelie, &c. purchest ane letter vnder his hienes subscriptioun and signet, relaxand him fra all and quhatfumeuir proces of horne,' &c.

(Aug. 2.)—Proclamatioun for the persute of the ERLI BOTHWILE, 'ffor resisting of quhais treffonabill intentioun and practizes, repreffing of the insolence of thame,² and the brokin men sterit vp be thame on the Bordouris, and vtherwayis to the brek of his hienes peace, and disturbing of the quiet estate of the haill Ile, his Maiestie intendis to tak the ffeildis in propir persoun.' Charges are therefore ordained to be given to 'the erllis, lordis, baronis, fewaris, frehaldaris, landit gentilmen and substancious zemen, togiddir with the inhabitantis

¹ Procured, obtained.

² Bothwell's abettors.

of burrowis, betuix sextie and sextene yeiris, duelland within the boundis of the Scherefdomes of Edinburgh principall, and within the Constabularie of Hadingtoun, Berwik and Roxburgh, alsweill regaltie as ryeltie, that thay and ilk ane of thame, weill bodin in feir of weir addres thame selffis to repair to his Maiestie, at Edinburgh, vpoun the sext day of August instant,' &c.

(Aug. 6.)—A 'BAND' between the LAIRDS of CESFURDE, BUKCLEUCHE, Home of Broxmouthe, Lauder of Bafs, Ker of Lyntoun, Douglas of Caverse, &c. is recorded, wherein they bind themselves to use their utmost endeavours to take Bothwell, &c.; and, amongst other conditions, they engage to 'lay asyde all perticular querrellis, deidlie feidis and contrauerseis standing amangis thame, and for na caus fall schrink frome his Maiesteis seruice.'

(Aug. 7.)—His Majesty 'finding sum of the cheif personis suspect culpabill in the lait disorderit contempt to have repentit thame thairof, and quhill tryell of thair pairtes to haue voluntarle offerit them selffis in his hienes ward,' dispenses with the attendance of his subjects, having now abandoned the intention of *Repairing to the Borders against BOTHWELL*.

(Aug. 7.)—SIR WALTER SCOTT of Branxhelme, kny^t,¹ finds Sir James Scot of Balwery, kny^t, and Williame Scot of Abbotishall, as sureties, that he 'fall depairt furth of this realme within the space of ane moneth,' and 'not retorne agane within the samyn during the space of thre yeiris nixtocum, vnder the pane of ten thousand pundis.'

(Aug. 29.)—SIR WALTER SCOTT of Branxhelme, kny^t, is relieved 'of his office and charge of keping of Liddisdail,' 'becaus he is to depairt furth of this realme, be his hienes licence and permissioun, &c.'

COMMISSIOUN for *Examining of Witcheis*.

(Oct. 26. *Apud Halirudhous*.) FORSAMEKILL as the Kingis Maiestie, with aduise of the Lordis of his Secrete Counsale, hes gevin and grantit, and be pir presentis, gevis and grantis his hienes full pouer and Commissioun, expres bidding and charge to his trusty and weilbelouitt counsalouris, Sir Johnne Cokburne of Ormestoun Justice clerk, Maister David Makgill of Nesbitt Aduocat, as als wa to M^{rs} Robert Bruce and Johnne Dunkiesoun Ministeris, Williame Litill prouost of Edinburgh and Johnne Arnott burges pairof, or ony three of thame coniunctlie; all and findrie personis, alsweill pame quhilkis ar alreddy convict or vtheris quhilkis ar detenit captiue and hes confessit, and sum that hes not confessit, as als wa all sic vperis as ar dilaitit, or that heireftir salbe accused and dilaitit, off committing, vsing and practizing of Witchcraft, Sorcerie, In-

¹ Several others, of lesser note, find surety to depart the kingdom at this time.

chantment and vtheris divilifch divyfis, to the difhonnour of God, fklender of his worde, perrelling of pair awin faullis, abufeing of þe commoun people and grite contempt of God, his Maieftie, his authoritie and lawis : To call and convene befoir the faidis Commiffionaris, or ony three of thame coniunctlie, as faid is, alf-oft as neid beis, and thame to try, enquyre and examinat, thair Depofitionis to putt in write, and the fame to reporte to his hienes and his Counfale ; to the effect þai may be putt to the knaulege of ane Affyife, and iuftice miniftrat as affeiris, or fic ordour takin with þame as to his Maieftie and his faid Counfaill falbe thocht maift meit and convenient : The perfonis wilfull or refufeand to declair the veritie to putt to tortour, or fic vþir punifhment to vfe and caus be vfit, as may move thame to vtter the treuth : And generallie, all and findrie vtheris thingis to do and vfe, that heirin is requifite to be done : Fferme and ftable haldand and for to hald, all and quhatfumeuir thingis the faidis Commiffioneris, or ony thrie of þame coniunctlie, as faid is, lauchfullie do heirin.

(Oct. 28.)—‘ Francis Erll of Errole cheiff, James Lord Hay of Zefter and Williame Hay of Gourdie, with the remanent kin and freindis of vmq^{le} James Hay, fone to the faid Williame,’ having raifed Criminal Letters againft ANDRO HERING of Little Blair, *Reid Johnne Hering* in Gilmertoun, *Blak Johnne Hering* in Afflekhill and James Hering in Morganftoun and thair accomplices, for the cruel and unmerciful Slaughter and Murthour of the faid James Hay, in Feb. 1589, ‘ quhen his Maieftie wes in Denmark ; the faid complenaris offerrit thame reddy to haue perfewit iuftice, gif thai could haue had ony certantie to haue the fame miniftrat,’ &c. The Earl of Errol accordingly applied for and obtained a Commiffioun, for fearching and bringing the murderers to iuftice. Letters of Caption were likewise granted, and *Black John Hering* fecured and placed in ward, and the others put to the horn ; but in the meantime, Hering obtained a Refpite for feven years, in the face of thefe proceedings, of a recent Act of Parliament, and of the Kingis ‘ Declaratioun left and publifit at his depairting to Denmark.’ A charge was therefore given to ‘ Daud Hering younger of Glasclune, purcheffair of the faid Refpett,’ to appear before the King and Privy Council, bringing with him the Refpite, and to fee the fame declared null, ‘ or ellis to haue allegeit ane reffonable caus quhy the famin fould nocht haue been done :’ And the parties appearing accordingly, ‘ the Kingis Maieftie and Lordis of Secrete Counfale ffindis that thai ar nocht jugeis competent to the Reductioun and annulling of the faid Refpett ; and thairfoir Remittis this mater to the Iuftice general and his deputis, ordaning thame to proceid and minifter iuftice thairin, according to the Actis of Parliament, lawis and practicque of this realme obferuit in fic caiffis : And in the meantyme, that the faid Johnne Hering be committit to warde within the tolbuith of Edinburgh, thairin to remane

vpoun hes awne expenffis, ay and quhill he be tryit for the said flauchter and iustice ministrat as effeiris.¹

(Oct. 28.)—On the Complaint of JAMES LORD OGILVIE of AIRLIE, ‘that quhair he hes bene his Maiesteis faithfull and obedient subject, submitting him selff alwayes to his hienes and the Lawis of the countrey, and thairby repofing him selff vnder his hienes protection, beleving to haue reffaut iniurie of na man; neuirtheles ARCHIBALD ERLL OF ERGYLE and his freindis, vpoun quhat motiue or occasioun the said Lord knawis not, without ony deserving on his parte, hauing concludit the wrack of his hous or freindschip; and being infor-meit that he had reteirit him selff in sobir and quiet maner, to duell and mak his refidence in Glen-Ilay, finding the place convenient for thair interprise, the said Erll and his freindis sett oute certane brokin Hieland men, thay ar to say, Johnne Campbell bruthir to Campbell of Lochinyell, Johnne Dow M^cCon-doquhy in Inuerraw, Neill Leich in Lochquhabir, Donald M^cCarlich in the Laird of Glenvrquhyis landis, Allane Roy M^cMoig sone to the Laird of Glenco, Archibald Campbell of Perfie, Coline Campbell of Glenlyoun, Archibald Campbell his bruthir, Johnne M^cRannald in Lochquhabir; quha in the moneth of August last-bypast, to the nowmer of ffyve hundreth men of the cuntrey of Ergyle, duelland for the maist parte within the same, and reffett thairin, with the guidis and depredatiounes vnderwritin, off sett purpois and deliberatioun to haue flane the said lord, and to haue wrackeit and spuilzeit the countrey: Lyke as, vpoun the xxj day of August lastbypast, thay enterit in Glen-Ilay vnder filence of nicht, with sic force and violence, that the said Lord, lyand sa fer frome his freindis, vpoun sic suddantie wes nocht able to resist thame, bot with grite difficultie and schorte aduertisment, he, his wyffe¹ and bairnis haueing eschaiped, thay enterit in the countrey with sic barbarous crueltie, not sparing wyffis nor bairnis, bot murthowrit and flew all quhome thay fand thairin, to the nowmer of xvij or xx persones; and spuilzeit and away-tuke ane grite nowmer of nolt, scheip and plenneffing, to the vtter wrack and vndoing of the haill pure inhabitantis of the cuntrey: Quhilk being maid knawin to his Maiestie, his hienes nocht onlie caufit ane assuurance to be takin betuix the saidis pairteis, bot als wa directit ane speciall Lettre to the said Erll and his freindis, to reteir² the saidis brokin men to their awin countrey, that the said Lord and his freindis wer nocht forder troublit with thame; with ane charge to thame selffis vnder the pane of Treffoun. Quhairupoun the said Lord and his freindis haueing dependit, hoiping to be in suretie thairby, and to haue reffaut na iniurie of new, during the assuurance of the said Erll, nor nane of his; neuirtheles the brokin men, quha maid the invasioun abouewritin, haue-

¹ Jean, eldest daughter of William seventh Lord Forbes.

² Fr. *retirer*.

ing continuallie fenfyne remanit in the hillis, and haueing conuocat vnto thame selffis ane grit nowmer of fornaris,¹ quha, in the tyme of sic affuurance, hoiping with small travell to get geir, vilipending his Maiesties charge gevin to thame as said is, and the said Letteris nor personis foirfaidis, haueing na respect to his Maiesteis Letteris, thay vpoun the . . . day of September lastbipast, within the tyme of the affuurance, vndir filence of nicht invadit the inhabitants of Glen-Ilay and Glen-Clova, and hes murthourit and flane three or foure innocent men and women, and rest and takin away ane grit pray of guidis; swa that the puir men duelland in Glen-Clova, Glen-Ilay and vtheris pairtis adjacent to the Month,² quha ar nocht able to make resistence, ar sa opprest be the brokin men and fornaris houndit oute be the Erll of Ergyle and his freindis, and mantenit and reffett be thame, that nather be his Maiesteis protection nor affuurance of the pairtye can thair lyveis and guidis be in suretie.'

The above-named persons were accordingly charged to appear before the King and Privy Council, under the pain of rebellion. Lord Ogilvie appeared on the day appointed, to call them to account for these barbarities; but none of them having come forward, they were ordained to be denounced rebels, &c.

(Oct. 28.) LICHTANE OF VSANE,³ Johnne L., Archibald and Alexander Ogiluy and Johnne Smith his seruandis, George Ogiluy sone to Alexander O. of Drummis, now seruand to James Lord Ogiluy, Williame and O. sonis to Johnne O. of Quheich, O. bruther to Innerquharritie, (and fundry others, servants to the Lairds of Teiling and Balfour, &c.) were charged, 'that quhair vpoun the xvj day of August lastbypast or thairby,' they, 'with convocatioun of his Maiesteis liegis, to the nowmer of threscoir personis or thairby, all bodin in feir of weir with jakkis, speiris, hacquebutis, pistolettis and vtheris waponis, *invafue*, prohibite to be worne be the lawis of this realme and actis of Parliament, off the speciall causing, sending, hounding oute, command, &c. of the said Lord, come vpoun vmq^{le} Robert Campbell in Milhorne, Williame of Souttarhous, Thomas C. portionar of Kethik and Johnne C. of Muretoun, and maist cruellie and vnmercifullie mordreift and slew thame, vpoun sett purpois, prouisioun and foirthocht fellouny, in hie and proude contemptioun of his Maiestie, and encouragement of vtheris to committ the like shamefull and cruell slauchteris heireftir,' &c.—The Letters raised were at the instance of 'the wyffis, bairnis and remanent kin and friendis' of the deceased persons, charging the above parties to appear before the King and Council; and they not obeying the charge, were ordained to be denounced rebels, &c.

¹ Vagabonds belonging to no clan, who lived by plunder and by taking free quarters, or *sorning*, as it was termed. ² Mountains, hill-country. Lat. *Mons*. ³ Ulysses-haven. Of this family was Robert Leightoune, Bishop of Dunblane, and afterwards Archbishop of Glasgow.

(Oct. 28.)—Bond by Robert Douglas of Casfhogill, dated Oct. 23, 1591, recorded, whereby he binds himself as cautioner for Sir JAMES DOUGLAS of Drumlanrig, kn^t, that ‘Thomas Kirkpatrik of Clofeburne, his men tennentis and feruandis, falbe harmeles and skaithles,’ under the pain of L.5000.

(Nov. 3.)—ROBERT LORD SEMPILL, having been charged to appear before the King and Council, ‘to haue vnderlyne sic ordour as fould be prescriuit, twicheing the obseruatioun of peax, quietnes and gude reule in the cuntrey, vndir the pane of rebelloun’—and not complying, he was ordained to be denounced Rebel, &c.

(Nov. 13.)—David Edmestoun of Wowmatt and James Laufoun of Humbie, become bound for Schir JOHNNE EDMESTOUN of that Ilk, that he ‘be him selff, and all thai that he is oblist to anfuere for be the lawis of this realme, &c., fall keip the Kingis Maiesteis peax,’ &c., under the pain of L.5000.

(*Eodem die.*)—Andro Logane of Coitfeild became cautioner for GEORGE HOPPRINGLE of Torwodlie, to the same effect as above, under the pain of L.2000.

(*Eodem die.*)—James Hoppringle of that Ilk and James H. of Quhytebank, became cautioners for JOHNNE HOPPRINGLE of Buckholme; and Buckholme and Quhytebank for JAMES HOPPRINGLE of that Ilk—each under the pain of L.2000.

(*Eodem die.*)—James Douglas of Cavers, schereff of Teuiotdaill, became surety for WALTER TURNBULL of Bedreule, under the pain of 1000 merks.

(Nov. 17.)—WILLIAME CUNYNGHAME of Tourlandis denounced, for not finding caution.

(*Eodem die.*)—Patrik Cokburne, tutour of Langtoun, became surety for GEORGE HAITLIE in Hordlaw, under the pain of 500 merks.

(Nov. 19.)—JAMES EARL of GLENCAIRN ordained to be charged to find caution, to the extent of L.20,000 within eight days, ‘or ellis within the same space, pas and entir his persone in warde be-North the watter of Erne and about the burgh of Perth, and thair remane and keip warde; and on nawayis transcend the said boundis, ay and quhill he be fred and relevit be his Maiestie, vnder the pane of rebelloun:’ And if he should fail, to denounce him rebel.¹ On Nov. 24, he is again charged to pass to ward, ‘for contemptuous remaning at the horne, for none obeying of the Decrete Arbitrall pronunceit be his hienes and the Lordis of Counsaile and Seffioun, betuix the said Erll and Dame Annabill Murray Countesse of Mar:’ He is likewise charged, ‘to rander and delyuer his houffis of

¹ A great number find similar surety at this period. From the above excerpts, which are given as specimens, some idea may be formed of the value of the Privy Council Records, in elucidating historical and genealogical enquiries.

Kilmarannok, Findlastoun, Stevinftoun, Kilmaweris and Glencairne, to the officiar executour of the saidis letteris,' under certification. On Dec. 15, he is charged to return a bond for L.20,000, under the pain of rebellion.

(Dec. 17.)—PATRIK LORD GRAY, being personally present, is ordained to 'bring, present and deliuer to his Maiesteis stabularis, vpoun the xij day of Januair nixttocum, his hienes awin hors, callit ,¹ quhilk wes vnhoneftlie tane away be James Gray sone to the said Lord, and sumtyme ferwand to his Maieftie; as alsua, to bring and present the said James befoir his hienes, or expell him furth of this realme, betuix and the last day of the said moneth of Januair; and failzeing heirof, that the said lord pas and entir his persone in warde within the Castell of Dunbartane;' under certification.

(Jan. 12, 1591-2.)—The Kingis Maieftie, with advife of the Lordis of Secrete Counsale, findis and declairis, that DAVID HAMMILTOUN of BOTHUELLHAUCH, (otherwise designed of Monkton mains,) Iffobell Sinclair and Alefoun Sinclair, heretrices-portionaris of the landis of Wodhoullie, aucht and fould be repoffeffit to the landis, houffis, takkis, ftedingis and poffeffionis whereof thay wer difpoffeffit, throw occafoun of the late trublis.²

(Jan. 12.)—A 'PROCLAMATIOUN *aganis thame that rydis missellit*'³ is recorded, ftating 'that there is diuers and findrie personis, arte and pairt-takeris with Frances sumtyme Erll Bothuile, in the latt treffounable CONSPIRACY attemptit within his hienes PALICE OF HALIRUIDHOUS, vpoun the xxvij day of December laftbipaft, for bereving of his Maieftie of his lyffe and crowne, and that vthirwayis ar dilaitit and fufpect to haue bene vpoun the foirknaulege and devise of the fame Conspiracie, quhilkis nicht and day trauellis and rydis ouer all pairtis of this realme, with thair faceis couerit, and vtherwayis difagysit,' &c. Therefore directs Proclamation to be made, 'that nane of thame tak vpoun hand to ryde or gang nicht or day, to or fra, in ony parte of this realme, with thair faceis coverit or vtherwayes difagysit, in tyme cuming;' and to charge the lieges 'to tak and apprehend' all fuch persons; 'or, gif thay be nocht of pour fa to do, that they ryfe fchowte, rais the fray, follow, concur and affist ilk ane with vtheris, to the taking and apprehending of thame,' &c.; under certification.

(Jan. 15.)—John Graham of Knokdoleane and John Stuart fear of Barfcube, become fureties for Sir JOHNNE EDMESTOUN of that Ilk, kn^t, James Edmestoun of Duntreith, kn^t, and James alias Jacobe Edmestoun of Newtoun, as principallis, for thame felffis, and takand the burding vpoun thame for thair haill kin, freindis,

¹ Left blank.

² They were formally restored by Act of Par. 1609, cap. 41. See Acts fol. 450.

³ Muffled, masked, disguised; commonly written *mussallit*. O. Fr. *emmussallé*.

surename,' &c. on the one part; and 'James Commendatair of Incheffray and Hary Lindfay of Kinfawnis, as cautioners for Schir JAMES CHEISHOLME of Dundorne, kn^t, as principall, for him selff, and takand burding for him for his haill kin,' &c. on the other part; that they should observe the contents of certain Letters of Slains, dated Nov. 25, 1587, granted by the 'cheiff kynnismen and freindis on the fader fyde and moder fyde of vmq^{le} Mungo Edmestoun, bruthir to James alias Jacobe E. of Newtoun,' who was slain within the burgh of Stirling, in Nov. 1585, 'under the pain of perjurie, infamy and tinfall of perpetuall credite, honnour and estimation, in tyme cuming; and forder, vnder the pane of 5000 merkis.'

(Mar. 8.)—A Proclamation made 'anent deserting of the Raid appointit for perfute of the ERLI OF HUNTLE.''

(Apr. 4, 1592.)—PROCLAMATIOUN *anent the Arrival of Spanyeartis*. 'Forfamekill as it is vnderstand to the Kingis Maiestie and Lordis of Secreit Counfall, that thair is certane Spanishe shippis, riggit oute in weirlike maner, and presentlie in reddines to repair to the North Ilis and coistis of this realme, and cheiflie to the pairtis ewest the cuntreyis of Orkney and Zetland; for rubbing, spuilzeing and invading, as thay haue done ofbefoir, not onlie his Maiesteis awne subiectis, bot the Queene of England his darrest suster and coufin, and sic vther Princeis as standis in strait league of amitie and freindship with his hienes, occupiit this seasone of the yeir in thair lauchfull and accustomat trade of fisheing; be quhais labouris and industrie, grit commoditie wes randerit, and in speciall to the inhabitantis of this haill Iland,' &c. Therefore, desires that Robert Earl of Orkney, the sheriffs, &c. in the northern parts of the kingdom, 'that nane of thame tak vpoun hand to suffir or permitt ony Spanishe veshellis, Spanzeartis, pyrottis or revaris, to have ressett or refuge in ony of thair portis,' &c. and to rise and concur in their expulsion.

(Apr. 14.)—'PATRIK MASTER OF GRAY and ROBERT GRAY youngair, his bruthir,' denounced, for not appearing 'to haue ansuerit to sic thingis as sould haue bene inquirit of thame at thair cuming, tuicheing the Ressett, intercommuning and haueing intelligence with Frances sumtyme Erll Bothuile and his complices, culpable of the lait treffounable fact, committit within the Palice of Halyruidhous.'

[*Adam Bishop of Orkney, Alexander Commendator of Culrose, Edward Commendator of Kinloss, John Earl of Mar, John Lord Thirlstane chancellor, Sir Robert Melville of Murdocairny, kn^t, treasurer, Walter Commendator of Blantyre keeper of the Privy Seal, Mr Richard Cokburn apparent of Clerkingtoun secretary, Sir John Cokburne of Ormes-*

tcun Justice-clerk, Alexander Hay of Eister Kennet Clerk of the Rolls, Register and Councel, William Little provost of Edinburgh, Nicholas Cornwall of Bonhard provost of Linlithgow, specially appointed by a Commission from Parliament; with George Earl of Marischall, James Kynross deputy Constable, Mr James Fowles sheriff-depute of Edinburgh, and James Nysbite dempstar.]

May 4.—DAME MARGARET DOUGLASS COUNTESSE OF BOTHUILL, Frances sumtyme Earl Bothuil hir spouse, for his interesse, and others.¹

Mr David Makgill, aduocat to our souerane, producit before the saidis Lordis Commiffioneris of Parliament,² ane Summondis of Tressoun writtin on parchia-ment, gevin vnder the Quarter-feill, dewlie execute and indorsate aganis Dame Margaret Dowglas Countesse of Bothuill, &c. for certane crymes of Tressoun, specifiet in the said Summondis: Upon the production of the quhilk and verificatioun of the indorsationis of the samyn be the messingeris, executouris thair of, and witneses insert thairintill, the said Mr David Makgill, in his hienes name, askit instrumentis.—And the foirsaidis personis being thryce callit at the Tolbuith-windo of the burgh of Edinburgh, to haif comperit and to have ansuerit to the said Summondis of Tressoun, and nane of thame comperand except *Patrik Futhie of Futhies mylne*, quha producit ane Remissoun grantit be our souerane lord vnder the Greit Seill, and ane Lettir subscryuit be the Kingis Maiestie, direct to the said Aduocat to pas from persute of the said Patrik; vpoun the productioun quhairof he askit instrumentis: And als, *Robert Ormestoun of Brigend* comperit persounalie, and was content to abyde ane tryall, for ony cryme contenit in the said Summoundis of Tressoun nicht be laid to his charge.

THE Lordis Commiffionaris of Parliament commandis the said *Patrik Futhie* and *Robert Ormestoun* to reteir to thair lodgeingis in Edinburgh, and thair to remane quhill thay be send for be his hienes; and continewis to the morne.

May 25.—Quhilkis personis war thryife callit at the Tolbuith windo, quhairof nane comperit except *James Lermounth in Kelso*, *Robert Ormestoun of Brigend*, *Johnne Stewart of Foulage* and *Patrik Futhie of Futhies milne*; and thairefter the haill executionis of the said Summoundis of new verifeit, &c. quhairvpoun the said Aduocat askit instrumentis.—The said *James Lermounth* in Kelso comperit persounalie, in presence of the saidis Commiffioneris of Parliament, and offerit him ready to abyde tryall of law, vpoun quhatsumeuir crymes

¹ See the names specified in the following Dittay.
the Parliamentary Records. *Acta Parl.* 1592, fol. 528.

² These proceedings have been taken from

of Treffoun contenit in the said Summoundis, to be laid to his charge : And siclyk, the said Johnne Stewart of Foulege comperit persounalie, and wes content to abyde the tryall of law for the crymes of Treffoun laid to his charge, contenit in the said Summoundis : And als, comperit the said Robert Ormestoun of Brigend, and producit ane lettre subscriuit be the Kingis Maiestie, direct to the said Mr David Makgill aduocat, commanding him in his hienes name to pas fra the said Robert, and that pairt of the said Summoundis quhilk concernis him, and to deleit him furth of the said Summoundis ; vpoun the production quhairof, the said Robert Ormestoun askit instrumentis.

And the said Mr David Makgill producit Lettres of Relaxatioun, beirand, that the foirsaidis haill personis defenderis, fummound be the said Summoundis of Treffoun, to be relaxt fra quhatfumeuir proces of horne led aganis thame or ony of thame, for quhatfumeuir cause or occasioun, preceding the dait of the said Lettre, quhilk is daitit at Dalkeyth the tent day of Maii, and of our fouerane lordis regne the xxv yeir, 1592 ; and execute the xij day of the samyn moneth of Maii, and registrat in the scherref court buikis the xxij day of the samyn moneth of Maii : And siclyk, thairvpoun askit instrumentis.—And siclyk, Mr Johnne Makgill aduocat comperit persounalie, and in name and behalf of *Alexander Home*, brother-germane to Williame Home of Pranderгаift, protestit, that his absence at this tyme be not imput vnto him for contumacie, and prejuger him not of his innocencie, anent the odious cryme of Treffoun laid to his charge, seing the caus quhairfor he may not compeir is notour. And as to the cryme of cumming to the Abbay that nicht, contenit in the said Summoundis, in cumpanie with Frances sumtyme Erle Bothuell, he protestis he is maist innocent thairfor ; as being that nicht vpoun the Waft Bordour of Scotland, mair nor thrie scoir myles fra the said Abbay ; quhilk he is content to veresie be honest gentilmen : And thairfor protestis, that in caise it be not sufficientlie provin be sic as hard, saw and knew him thair, that na argument be groundit vpoun his absence, quhairby he may be prejudgeit of his innocencie ; according to the said protestatioun, gevin in be the said Mr Johnne at lenth in write ; and askit instrumentis vpoun the proponing and production thairfor, *excusatorio nomine* for the said Alexander Home.—Mr David Makgill aduocat, present, tuik him to be advisit with the Kingis Maiestie, gif he fould gif command to the clerkis to deleit Robert Ormestoun furth of the said Summoundis of Treffoun or not, conforme to the ticket direct be his Maiestie to him to that effect.

The Lordis Commiffioneris of Parliament ordanis the saidis James Lermounth, Robert Ormestoun and Johnne Stewart of Foullage to reteir thame selffis to thair lugeingis within Edinburgh, thairin to remane ay and quhill thai be fend for be his Maiestie.

REGE IPSO PRESENTE.

May 29.—The haill estaittis of Parliament chefit (the personis) vnderwrittin to be Lordis of the Articles.

PRO CLERO.	PRO NOBILIBUS.	PRO BARONIBUS.	PRO COMMISSARIIS BURGURUM.
Orchaden.,	Anguse,	Bas,	Williame Litle prouest and
Dunkelden.,	Marshell,	Culluthy,	George Hereot goldfmyth,
Culrose,	Glencarne,	Wadderburne,	for Edinburgh,
Lundoris,	Montroife,	Airth,	James Drummound, for Perth,
Tungland,	Mar,	Tullibardin,	Patrik Lyoun, for Dundie,
Kynlose,	Seytoun,	Glenvrquhy,	Anthone Bruce, for Striuling,
Blantyre,	Lindesay,	Pittarro,	Williame Cuninghame, for Glasgw,
Incheaffray.	Spynie.	Barnebarrauch.	James Cokburne, for Hadingtoun.

OFFICERIS OF ESTAT, Johnne Lord Thirlstane chancellor, Sir Robert Meluile of Murdocairny knyght, thesaurare, Sir Richart Cokburne of Clerkingtoun, knight, secretaire, David Seytoun of Parbroith comptroller, Sir Johnne Cokburne of Ormestoun, knight, Justice-clerk.

The quhilk day the Kingis Majestie, and Mr David Makgill of Cranftoun-Riddell his hienes aduocat, being baith persounalie present, declairit, in prefence of the Lordis of Articles, that he infistit only at this tyme in perfute of the said Summoundis and tryall thair of, aganis the personis following: Thay ar to say, Dame Margaret Dowglafs sumtyme Countesse of Bothuell and Frances sumtyme Erle Bothuell her spouse, for his interes, James Douglas sumtyme of Spott, Archibald Vauchope younger of Nudry, Mr Johnne Coluile of Strathvrdie, Williame Stewart sumtyme Conftable of Dunbartane, Johnne Hammiltoun younger of Samelftoun, Williame Lermounth of the Hill, Johnne Vauchois baillie of Nudrie, Robert Home younger of the Heuch, Hercules Stewart of Quhytlaw, George Auchincraw of Eift Restoun, Patrik Auchincraw thair, Mr Thomas Cranftoun younger of Moreiftoun, Johnne Cranftoun his brother-germane, Johnne Ormestoun of Smailhome, Robert Ormestoun his sone, James Stewart of Tynneis, Patrik Crummy of Carribdin and David Orme of Mugdrum. And past *pro loco et tempore* frome the haill remanent personis, defenderis, specifiet and contenit in the said Summoundis of Tressoun, except the foirfaidis speciall personis, presentlie nominat be his Majestie, as said is: And thairvpoun the said aduocat askit instrumentis.

And immediatlie thairefter, the foirfaid Summoundis of Tressoun raisit at our fouerane lordis instance, and execute aganis the personis vnderwrittin and ilk ane of thame, contrair quhome his hienes declarit he infistis at this tyme in tryall of the said Summoundis of Tressoun, in maner foirfaid, being red in prefence of the Kingis Maiestie and Lordis of Articles, and the samyn being hard, sene and vnderstand be thame, and thay thairwith being ryplie advifit; the saidis Estaittis findis and declaris the reffoun and caus contenit in the samyn Sum-

moundis of Tressoun relevant aganis the personis abovewrittin. And thairfoir admittis the samyne Summoundis to the said aduocatis probatioun; quha being persounalie present, declairit that he sould vse his probatioun with all expeditioun; and the said aduocat askit instrumentis of the relevancie of the said Summoundis, and that the saidis Estaites had fundin the ressoun of the said Summoundis relevant.

Jun. 5.—The quhilk day Maister David Makgill of Cranstoun-Riddell, aduocat to our souerane lord, ffor verefeing of the said ressoun contenit in the said Summoundis of Tressoun raisit aganis the said Dame Margaret Dowglas Countesse of Bothuell and Frances sumtyme Erle Bothuell hir spous, for his interesse, &c. producit and repetit the Extract of the Foirfaltour led and pronuncit befor the Justice and his deputis, aganis the said Frances sumtyme Erle Bothuell, subscriuit be the Laird of Ormestoun Justice clerk, of the dait the twentie-fyft day of Junii, the yeir of God 1591 yeiris; Depositionis of certane witnesses, quha wer takin and execute to the death for the cryme libellit; and Depositionis of diuerse vtheris witnesses, examinat befor the saidis Lordis of Articles in the said mater; the notorietie of the deid libellit, and cuming of the defendaris to the place of Halyruidhouse the tyme libellit; quhilk in mater of Hie Tressoun sould mak full probatioun: And that the Lordis of Parliament being the Greit Assyise of the cuntrie, of the daylie practique, quhatsumeir persone clengis not, of certane knowlege, the personis accusit, he fyles thame: And the commoun notorietie of this fact and Tressoun, and contumacie of the defendaris, is sufficient to mak na man to clenge thame: And wes content the foirsaid proces and Summoundis of Tressoun be haldin concludit: And desyrit the Estaites to advise the proces, and to pronounce thair sentence of Parliament thairintill, according to the saidis probationis and thair consciences.—The quhilk day our souerane lord and his hienes advocate past fra the said Johnne Wauchop baillie of Nudrie, and declairit that his hienes wald na wayes infist aganis him.

SUMMOUNDIS OF TRESSOUN, &c. against Dame Margaret Dowglass Countesse of Bothuill and others.

JACOBUS Dei gratia Rex Scotorum; dilectis nostris Leoni Regi Armorum, Ilay, Albanie, Rossie, Rothesay, Snadoun, Merchmount, heraldis; Joanni Fergusoun, Archibaldo Dowglas, Roberto Stewart et Daudi Brysoun, clauigeris; Ormound, Bute, Vnicorne, Carrik, signiferis, nuncijs et eorum cuilibet, coniunctim et diuifim, vicecomitibus nostris in hac parte specialiter constitutis: Salutem. Mandamus vobis et precipimus, quatenus summoneatis legitime et peremptorie, coram testibus, Jacobum Dowglas de Spott, Magistrum Joannem Coluile de Strathurdie, Herculem Stewart de Quhytlaw, Joannem Hammiltoun juniorem de Sammeltoun, Archibaldum Wauchop de Nudrie juniorem, Jacobum Stewart de Tynneis, Gulielmum Stewart quondam Constabularium de Dunbartane, Gulielmum Lermounth in Hill, Magistrum Thomam Cranstoun juniorem de Moreistoun, Joannem Cranstoun eius

fratrem, Robertum Home juniorem de Heuch, Joannem Ormestoun de Smailhome, Robertum Ormestoun eius filium, Patricium Crummy de Caribdin, Davidem Orme de Mugdrum, Georgium Auchincraw de Eist Restoun, Patricium Auchincraw ibidem, Dominam Margaretam Dowglas comitissam de Bothuell et Franciscum Stewart olim comitem de Bothuell eius sponsum, pro suo interesse, Conspiratores, perpetratores et celatores criminum Lese maiestatis subsequenter, personarum, si eorum personales presentias commodum habere poteritis; alioquin, apud loca eorum habitationum vel per publicam proclamationem, apud cruces forales burgorum nostrorum de Edinburgh, Hadingtoun, Lanerk, Dumfreis, Striuling, &c. aliaque loca necessaria; degentes vero seu existentes extra regnum nostrum seu certum nullum domicilium in eodem habentes, apud dictas cruces forales aliaque loca necessaria, super premonitione sexaginta dierum, sic quod huiusmodi summonitio ad eorum aures et notitiam veresimiliter pervenire poterit: Quod compareant coram nobis seu Justiciario nostro, vicesimo quarto die mensis Maii proxime sequen. in nostro Parlamento apud Edinburgh, die mensis tenend. hora causarum, cum continuatione dierum, ad respondendum nobis nostro Justiciario in prefato Parlamento, super proditoriis criminibus subsequenter; dictos scilicet Jacobum Dowglas de Spott, Magistrum Joannem Coluile, Herculem Stewart, Archibaldum Wauchop de Nudrie juniorem, Joannem Hammiltoun juniorem de Sammeltoun, suosque omnes complices specialiter ante nominatos et eorum quemlibet, pro sua proditoria arte, parte, consilio et auxilio, in ipsorum recenti proditorio Conspiratione, consultatione et conclusione horridi facinoris contra nostram honorabilem personam et vitam, per dictas personas commissi. vicesimo septimo die mensis Decembris ultime elapsi. sub noctis silentio, in ipsarum proditoria Invasione Palatii nostri de Halyruidhouse, intrando ibidem, cum assistantia, confortio convocatione dicti Francisci quondam Comitis de Bothuell aliorumque homicidarum, oppressorum, latronum, ac huiusmodi insolentium virorum armatorum et a legibus nostris fugitivorum, ex deliberato animo et certa intentione violentas manus in nostram regiam personam imponere, ut vitam nostram vel nefarie extinguerent, vel nos captivos secum deducerent: Et ad hunc effectum, prefati Conspiratores directe accesserunt ad nostrum priuatum conclaue seu cubiculum, et ostiis ignem nefarie injecerunt, domesticos nostros presenti violenta morte minitendo, objurgandoque, nisi ipsis declararent ubi nos essemus, nulla unquam inquisitione per eos facta ob quamcunque aliam personam nisi propter nosmet ipsos: Ac preterea, violenter effregerunt malleis ostia interioris cubiculi Regine nostre charissime conjugis: Atque demum, ubi parum se promouisse et ad illorum invsitatum scelus ac propositum nefandum pervenire non posse intellexerunt in eorum regressu non dum satisfacti, crudeliter et sine ulla misericordia, domesticos et familiarissimos nostros servitores, ob nostram causam, interfecerunt et jugularunt: Hinc manifestissime crimen Summe Proditionis contra nos, nostram vitam, auctoritatem regiam, et leges committendo; atque adeo, pro sua proditoria celeratione et occultatione predictae Conjuracionis, consultatione, contractu et executione eiusdem. Ideoque dictos Jacobum Douglas de Spott, Magistrum Joannem Coluile, Herculem Stewart, Archibaldum Wauchop juniorem de Nudrie, ceterosque omnes suos complices particulariter ante nominatos Conspiratores proditoriosque executores, ad videndum et audiendum sese et eorum quemlibet, respectu premissorum, crimen Lese maiestatis incurrisse per nos et trium regni statuum decretum decerni et declarari, et super predictis et alijs quamplurimis rebellionibus et transgressionibus et proditoriis criminibus, per prenomatas personas, contra nos, regnum nostrum et auctoritatem regiam impie et nefarie perpetratis, et dictis die et loco, cum continuatione dierum, proponendis et ostendendis et juri parendum, et super huiusmodi iudicium nostrum et nostri Parliamenti, secundum leges regni nostri expectandum et subeundum; dictas videlicet personas, Conspiratores, perpetratores et celatores criminum precedentium, ad videndum et audiendum sese et eorum quemlibet, intuitu premissorum, crimen Lese maiestatis incurrisse, per nos et trium regni nostri statuum decretum decerni et declarari; et propterea, ipsorum bona, mobilia et immobilia, tam terras quam officia, aliasque res ad eos spectantes, nobis confiscari et pro perpetuo nobiscum in proprietate remanere, personasque suas penam Proditionis et ultimi supplicii a regni nostri legibus inflictam subire; et vberius

in premissis respondendum et juri parendum : Intimando supradictis Conspiratoribus et eorum cuilibet, siue dictis die et loco cum continuatione dierum comparuerint siue non, nos dictusque noster Justiciarius in premissis, justitia mediante, procedemus et procedet. Insuper citetis, &c. ad comparandum coram nobis nostro Justiciario, dictis die et loco cum continuatione dierum, ad perhibendum fidele testimonium in causa predicta, sub pœna legis : Et presentes literas debite executas et indorsatas earundem latori reddatis : Et vos qui presentes executi fueritis sitis ibidem dictis die et loco coram nobis seu dicto nostro Justiciario, portan. vobiscum summonitionis vestre testimonium in scriptis, pro premissis seu ipsos testes. Ad quod faciendum, vobis et vestrum cuilibet, conjunctim et diuim, vicecomitibus nostris in hac parte committimus potestatem. Datum sub testimonio nostri Magni Sigilli, apud Edinburgh, decimo die mensis Februarij, anno domini millesimo quingentesimo nonagesimo primo, et regni nostri vicesimo quinto.

Quhilk Summondis with the executionis and indorsationis thair of respectiue foirsaids, being this instant day red in presence of his Maiestie and haill Estaittis of Parliament, first in Latyne and syne in Scottis, and the saidis haill personis defenderis respectiue abonewrittin, nocht past fra as said is, being thryise callit of new at the tolbuith windo of the said burgh of Edinburgh, to haif comperit and anfuert to the said Summondis and ressones contenit thairin ; and nane of thame comperand, to haif defendit in the said mater and to haif anfuert to the said Summondis, the said Mr David Makgill aduocat to his Maiestie, desyrit the saidis Estaittis declaratioun, gif the ressones of the said Summondis wer relevant : Quhilkis Estaittis and euery ane of thame, all in ane voce, ffind the samyn relevant aganis the haill personis vnderwrittin. Thairfoir the said aduocat of new, for verefeing of the said resson contenit in the said Summondis of Treffoun, producit and repetit the Extract of Foirfaltour, led and deducit befoir the Justice and his deputes aganis the said Frances sumtyme Erle Bothuell, Depositionis of the saidis witnesses, the notorietie of the fact, and repetit the haill probationis repetit be him of befoir, in the said mater this instant day ; and desyrit the saidis Estaittis of Parliament to advyse the said Depositionis of witnesses and vtheris probationis, and to pronounce thair sentence of Parliament thairintill, according to the samyn probationis and thair consciences : And thairefter, the Depositionis of the haill witnesses execute to the death, and of the witnesses examinat in presence of the saidis Lordis of Articles, haill writtis and probationis, being red, sene and considerit be the saidis haill Estaittis of Parliament, in presence of the Kingis Maiestie, and thaie thairwith being ryplie advysit, the saidis lordis and Estaittis of Parliament Findis, decernis and declaris, that the saidis Dame Margaret Dowglafs sumtyme Countesse of Bothuell, James Dowglafs of Spott, Archibald Vauchoir younger of Nudrie, Mr Johnne Coluile of Strathurdy, Williame Stewart sumtyme Constable of Dunbartane, Johnne Hammiltoun younger of Sammelftoun, Williame Lermounth of the Hill, Robert Home younger of the Heuch, Hercules Stewart of Quhytlaw, George Auchincraw of Eist Prestoun,

Patrik Auchincraw thair, M^r Thomas Cranftoun younger of Moriestoun, Johnne Cranftoun his brother germane, Johnne Ormeftoun of Smailhome, Robert Ormeftoun his sone, James Stewart of Tynneife, Patrik Crummy of Caribdin and Daud Orme of Mugdrum, and euery ane of thame, hes committit and done oppin and manifest Treffoun aganis our faid fouerane lord, in all pointis and articles contenit in the faid Summondis.

DOOM. And thairfoir it was gevin for Dome, be the mouth of James Nyfbite dempfter of Parliament, in maner and forme as followis. This Court of Parliament schawis for law, That the faid Dame Margaret Dowglas sumtyme Countesse of Bothuell, &c. and euery ane of thame, hes committit and incurrit the cryme of Treffoun and Lese majestie abonewrittin ; in maner at lenth contenit in the faid Summondis : And thairfoir, decernis and declaris all thair guidis, movable and vnmovable, alswell landis as offices and vther thingis quhatfumeir, belonging to thame, to be confiscat to our faid fouerane lord, and to remane perpetuallie with his hienes in propertie : And thair personis to vnderly the pane of Treffoun, and vtter and last pvnishment appointit be the lawes of this realme. And that I gif for Dome.

Frances sumtyme Erle Bothuell.

Jun. 5.—‘ The proces, convictioun, sentence and dome of Foirfaltour, led, deducit and pronuncit of befoir, be his hienes Justice Generall and his deputes, in the Justice Court halden at Edinburgh Jul. 25, 1591,’ was Ratified by Parliament.

THE disherefing of the posteritie of personis (above) foirfaltit.

Jun. 5.—Oure fouerane lord and Estaittes of Parliament haifing confiderit the treffounable, crwell and vnnaturall fact laitlie committit be the personis following, in cumpany for the tyme with Frances sumtyme Erle Bothuell, &c. to wit, Frances Erle Bothuile, Archibald Wauchope younger of Nudry, &c. and diuers vtheris thair complices, in thair treffounable cuming to his Maiesties Palice of Halyruidhous, vnder filence of nicht, vpoun the day of December lastbypast, invaiding, afflegeing and persewing of his Maiesties maist noble persone, be fyre and sword, breking up his chalmer durris with foirhammeris, and cruellie flaying his hienes servandis, cumand to his Maiesties rescourse ; ane Treffoun and crueltie not hard nor sene committit be subjectis, sa heichlie oblist to thair natue King and Prince, precogitat, consultit and aggreit vpoun to be put in executioun lang of befoir ; having alsua devisit meanis, in thair jugement, to preferue thair landis and guidis efter the committing of thair Treffoun foirfaid. Quhilk haynous and treffounable fact, as it passis all vtheris in crueltie and euil example, sua it is thocht meit and expedient that ane condigne law and punishment be sett down for extinguishing of the memorie of the treffounable personis foirfaidis and thair posteritie, to be ane document to all aiges to cum and attempt the lyk : It is thairfoir statute and ordanit be oure fouerane lord and his faidis Estaittes of Parliament, that the faid Frances sumtyme Erle Bothuell, Dame Margaret Dowglas sumtyme Countesse of Bothuile, James Douglas of Spott, Archihald Vauchop younger of Nudry, Mr Johnne Coluile of Straruidie, Williame Stewart sumtyme Constable of Dunbartane, Johnne Hammiltoun younger of Sammelftoun, Williame Lermounth of the Hill, Robert Home younger of the

Heuch, Hercules Stewart of Quhytlaw, George Auchincraw of Eift Prestoun, Patrik Auchincraw thair, Mr Thomas Cranstoun younger of Moriestoun, Johnne Cranstoun his brother germane, Johnne Ormestoun in Smailhome, Robert Ormestoun his sone, James Stewart of Tynneis, Patrik Crumbie of Caribdin and David Orme of Mugdrum, thair bairnes, thair airis and haill posteritie, fall neur bruik land, benefice, honour, office nor dignitie within this realme, in ony tyme cuming: And als his Maiestie and Estaittis foirfaidis decernis, decreittis and deliueris, that all maner of infestmentis, alienationis, dispositionis, resignationis, contractis, bandis or obligationis, for making of infestmentis of thair landis and heretages, or ony pairt thairof, or annuelrentis furth of the samyne, togidder with all pretendit assignationis and dispositionis of thair tackis, stedingis, roumes, possessionis, guidis or geir, to ony maner of persone or personis, quhilk tuke not effect, be actuall and reall possession, befor the committing of the foirfaid crymis, falbe null and of nane avail, force nor effect, in tyme cuming, as they had neur bene maid.

(Jun. 8.)—A Proclamation issued, forbidding all the lieges to ‘refset, supplie nor intercommoun with PATRIK MAISTER OF GRAY and Robert Gray his bruther.’

(Jun. 29.)—A Proclamation ‘for persute off THE ERLLE BOTHUILE.’

(Jun. 30.)—A PROCLAMATION ‘for presenting of prifonariis.’—That ‘as diuers of the thevis and tratouris that laitlie assailzeit his Maiesteis persone within his awin PALICE OF FALKLAND, eftir thair grite spuilzie and heirschippis, committit vpoun the horsis and guidis of the faithfull and gude subiectis of this realme, in thair schamefull flicht and returning hamewart, ar takin be the way, in diuers pairtis, within the shereffdomes and burrowis of Lanerk and Peblis; quhais takaris will nawayis present thame to iustice, without thay be compellit;’ therefore declaring that such persons shall be held as traitors.

(July 5.)—The King and Council having granted ‘Licence to WILLIAME ERLE OF ANGUS to remane in the cumpany and societie of Johnne Erll of Montrois, ay and quhill his Maiestie declair forder of his will and pleasour towardis him;’ therefore the Earl of Montrose binds himself, that during this time, ‘he fall nocht do nor attempt ony thing hurtfull or preiudiciall to his Maiestie, the present Estate, nor the Religioun,’ &c. The Earl only obliges himself, ‘for his gude behaviour, during the same tyme of his remaning;’ but would not bind himself for the entry of Angus when required.

(Jul. 8, *apud Drumfreis*.)—‘Promeis of reward to sik as fall reveill the resettaris of the ERLLE BOTHUILE and his complices’ is only made, but in case of farther concealment, ‘they falbe persewit with fyre, sward and all vther kynd of rigour.’

(Jul. 11.)—JOHN EARL OF MORTON Lord Maxwell, created Warden of the West March, ‘dimittit be Sir Johnne Carmichaell of that Ilk, knicht.’ He is ordained the same day ‘to mak redres for bigane attemptatis.’

(Jul. 12.)—It is declared, that ‘albeit Johnne Lord Maxwell be nominat and styllit Erll of Mortoun in the late Act, and in fundrie vther Actis and ordi-

nances,' &c. 'zit the fame nominatioun and style fall nawayes hurt nor prejugé the richte and titles quhilkis WILLIAME DOUGLAS ERL of MORTOUN Lord Dalkeith, hes and pretendis to have, as air of taillie to the Earldome of Mortoun; nor zit impair him in honnour, style, dignitie, preeminence and priuilegeis, quhilkis he hes and broukis, or may brouke and posses thairby,' &c.

WARRANT for demolishing of the Housses of Tynneis, Horden (Harden) and Dryhoip

APUD PEIBLIS, *xij die mensis Julij, anno lxxxxij^o* (1592.)—The Kingis Maiestie, with aduise of the Lordis of his Secreit Counsale, Gevis and grantis full pouer and Commiffioun, expres bidding and charge, be thir presentis, to his weilbelouitt Williame Stewart of Tracquair, to DIMOLEIS and caus to be dimoleift and cassin down to the ground, *the place and houssis of TYNNEIS*, quhilkis pertentit to James Stewart sumtyme of Tynneis; as alsua, the lyke pouer and commiffioun, expres bidding and charge, to Walter Scott of Gouldielandis and Mr Iedeon Murray, conjunctlie and feuerallie, to dimoleis and caus be dimoleift and cassin down to the ground, *the placeis, houssis and fortaliceis of HARDEN and DRYHOIP*, pertening to Walter Scott of Harden, quha, with the said James Steuart, wes arte and parte of the lait tressonabill fact, perpetrat aganis his hienes awin persone at Falkland: And that the foirsaidis personis caus the premisses be putt in execution with all convenient expeditioun in signe and taikin of the foirsaidis vthiris personis tressounable and vnnaturall defectioun and attemptat, committit be thame in manner foirsaid. As thay will ansuer to his hienes vpoun thair obedience.

(Jul. 13, *apud Edinburgh.*)—JOHN PENNYCUKE of that Ilk and MARK ACHIESOUN of Achiefonisheavin, denounced rebels, for resetting the Earl of Bothwell and his accomplices.

(Jul. 13.)—JOHNNE STEUART of Roisland finds surety (Richard Hereot y^r of Trabroun), 'that he fall nocht ressett Matheu Hereot, denuncet rebell.'

Jul. 20.)—WALTER SCOTT of Hardenis ordered to be denounced rebel, for not appearing 'to have ansuerit to sic thingis as sould haue bene inquirit of him at his cwming, twicheing the late tressounable attemptat committit aganis his Maiesteis persone at Falkland, vpoun the xxviiij day of Junij lastbipast.

(Aug. 10, *apud Dalkeith.*)—PHILP SCOTT of, denounced for the treasonable reset of the Earl of Bothwell and his accomplices; and being present at the Raid of Falkland.

(Aug. 24, *apud Castrum de Edinburgh.*)—In 'the querrell and contrauerfie laitlie happynnit betuix ROBERT BRUCE of Clakmannane and the Prouost, bailies and Counfall of Perth,' 'the Kingis Maiestie desiret the said Robert to informe his Maiestie and the Counsale present, of the iniurie and offenses committit

aganis him be the saidis Bailies, &c. causses and occasions thair of; quha declarit, That he having certane guidis and geir cuming throu the same burgh, nocht bocht nor to be fauld thairin, the same guidis wer not onlie stayed and not sufferit to haue passage be thair portis, bot at last intromettit with be sum of thair nichtbouris, becaus his seruand caryar of the saidis (guidis) wald not pay custum thairfoir; quhilk being reportit to him, and he finding the same to be a novation, quhairwith his vmq^{le} father nor nane of his tennentis and seruandis wer burdynnit in his tyme, requirit the saidis Baillies, be his Missiue Letter, to repair this injurie, and to caus his guidis be randerit agane without payment of ony custum, vthirwayes he wald vse the lyke forme of doing to thair nichtbouris,¹ in thair passage betuix thair toun and Dundee: And becaus thai refuset to satisfie this his reffonnable desyre, he tuke sum of thair nichtbouris repairing fra Dundee to the said toun, and tuke thair waponis fra thame; quhilk waponis he offerit, be his vther Missiue Letter direct to the saidis Baillies, to caus be delyuerit agane, be reffaving the lyke deliuerie of his saidis guidis; quhilk, as of befoir, not onlie being refuset, bot sum of thair nichtbouris, and in speciall Williame Inglis and Johnne Balfillie, come to his ground and landis of Gastounhall, vpoun the xvj day of August instant, and eit, trampit down and distroyit with thair horffis, the cornis growand vpoun the saidis landis; ffor the quhilk, thay being reprovit, thay vtterit sum iniurious wordis; quhairvpoun he wes movit to stryke ane of thame with ane pistollett, and in end to tak and retene thame in his place of Gastounhall, without forder iniurie done to thame: And that same nicht, the saidis Baillies, counsall and communitie, to the nowmer of personis or thairby, all bodin in feir of weir, come to his said place, and vpoun the morne, afoir day licht, foundit thair drwm, assegeit him thairin, discharget hacquebutis and pistollettis in at the durris and windois thair of; and at last tressounable sett to fyre, and enterit perforce in the same place, at the ruif thair of; and eftir thay had cruellie hurte his seruand, with the schott of ane hacquebute, to the effusioun of his blude in grite quantitie and perrell of his lyffe, thay tuke him selff, and transportit him away with thame ane certane space, bairfutit and bairleggit, not suffering him to putt on his awne claithis; and spuilzeit and tuke away with thame his haill siluer-werk, bedding, claithis and all the plenneffing of his hous: And all this wes done without ony Commissioun had be thame thairto: Vfurpand thairby vpoun thame his Maiesteis authoritie. To the quhilk it wes anfuerit be the saidis Baillies and counsall present,² that the taking of custum, for sic kynd of guidis as had passage be thair

¹ Townsman, inhabitants of the burgh. ² Olipher Young, Patrik Blair and Adam Anderfoun, bailleis of the said burgh, James Drummond dean of gild, Williame Merfer, Patrik Anderfoun, Thomas Burrell, Williame Stevinsoun, Robert Sym and Williame Jak, burgeses of the same burgh.

portis and brig, wes na novatioun, bot a forme of doing vsed be thame and thair prediceffouris in all tyme bigane, past memoir of man, according to thair liberties and preuilegeis grantit to thame to that effect; and thairfoir, in staving the said Robert Bruceis guidis, quhill the custume thairof had bene payit, thay committit na wrang: And forder allegeit, that albeit the first taking of sum of thair nichtbouris, and reteneing of thair waponis, wes ane offens done, na les to the contempt of his Maiestie then to thair particulair greif and hurte, zit thay not onlie patientlie buir thairwith, bot causit restitution to be maid to him agane of his saidis guidis, without payment of ony custum thairof: And thair- efter, thay directit Anthone Maxtoun, ane of thair awin nichtbouris, requiring him to suffer the saidis Williame Inglis and Johnne Waffilbie (Balfillie) takin and detenit be him within the said place, eftir thai wer cruellie hurte and woundit, to haue libertie and fredome: Quhilk not onlie being refusit, bot at last, reporte being maid to thame that he had mordreift and flane the same personis; quhairvpoun, complaint and exclamatioun being maid be thair wyffis, bairnis and vtheris of their freindis, in end, Olipheir Peblis, thereff-depute of the sherefdom of Perth, to quhome a certane nowmer of thair saidis nichtbouris gaif thair concurrence and assistance, past, according to the pouer grantit to thame be the Actis of Parliament, to the said Robert Bruce place foirsaid, and thair perforce recouerit thame furth of his handis; and tuke him selff away with thame, to be ansuerable to iustice.

THE KINGIS Maiestie, with aduise of the saidis Lordis, ffindis and declairis, that baith the saidis pairteis, be thair awin declaratioun and confessioun, hes offendit and contempnit his Maiestie, his auctoritie and lawis: And thairfoir, ordanis the said Robert Bruce to be committit to warde within his hienes Castell of Edinburgh; and the saidis Williame Merfair, Patrik Andirfoun, Thomas Burrell, Williame Stevinsoun, Robert Sym and Williame Jak within the Castell of Blaknes; thairin to remane vpoun thair awne expensses, ay and quhill thay and thair compliceis, assistaris and pairt-takaris with thame in the committing of the foirsaidis crymes and offenses, be putt to the knaulege of ane Affise, befoir the Justice or his deputis; and that justice be ministrat as effeiris: And that feuerall warrandis be direct for thair ressett in warde, within the saidis Castellis.

(Aug. 29, *apud Dalkeith*.)—ALEXANDER LORD OF SPYNIE ordained to be put to the knowledge of an Affise before the Justice, in the Tolbooth of Edinburgh, ' the tuelf day of September nixtocum, ffor the tressounable ressett within his place of Abirdour of Frances sumtyme Erll Bothuell; and for intelligence had with him, or (*until*) that materis wes pakkit vp betuix thame, for the Raid of Falkland; quhair of the said Alexander is dilaitit, be Williame Commendator of

Pittinweyme.' 'Certifeing alwayes the said Commendatour, that in cais the said Alexander fall, eftir tryall, be fund clene and innocent of the saidis crymes, that in that caise the pane and pvneishment, prescryuit in his hienes lawis and Actis of Parliament, falbe extendit and vfit aganis the said Commendatour with all rigour and extremitie.'

(Sep. 2.)—DAVID COCHRANE of Pitfour complained to the King and Council, that he had raised Letters against HARY LINDSAY of Kinfawnis, on the ground that the said Hary, 'with conuocatioun of his hienes liegis, to the nowmer of xl personis or thairby, all bodin in feir of weir, with jakkis, speiris, hacquebutis, pistolettis and vtheris waponis invasiue, prohibite to be worne be the lawis of this realme and Acts of Parliament, come vpoun the xxvij day of Julij lastbi-past, about twa houris in the moirning, to the place of Pitfour, quhair the said complener, his wyffe, bairnis and familie wer for the tyme, takand the nichtis rest, lippynning for na violence nor iniwrie of ony personis; and finding the zettis (*gates*) of the said place closed, sua that thay could nocht gett entres thairin, thay secreteilie hid thame selffis, in certane quiet pairtis aboute his hous, and directit ane boy to his zett, as giff he had cum with ane Missiue Letter to the said complenair frome the Laird of Lethindie, desiring entres, that he micht delyuer the said Missiue; quhairof the said complenair being aduerteiffit, and lippynning for na thing les then that quhilk happynnit, he caufit oppin his zettis, to haue latten in the said boy; at the oppynning quhairof, the said Hary and his compliceis violentlie rusheit in at the zett, and being repulfit, and putt bak and the zettis closed, thay then be plane violence and force brak vp the same zettis, enterit within the said hous, intromettit with the said complenaris haill mouablis and plenneffing, and removit and expellit his wyffe, with nyne young bairnes, and his haill familie, furth of the said hous; vsing sic inhumanitie aganis his wyffe and bairnis, as the lyke hes not bene hard of to haue bene committit be a gentilman of his estait; quha, eftir the removing and putting of thame furth of the said hous, wald nocht schaw thame that courtesie to remane in ane barne or byre, outwith his said hause; bot hes forceit thame to ly vpoun the feildis, aboute his awne wallis and zettis senfyne: And now hes placeit certane of the said complenaris vnfreindis, (*enemies*), with quhome he standis vnder deidlie feid, within the said hous; quha keipis and detenis the same, and on nawise will delyuer the same to the said complenair, without compulsioun.' Lindsay was accordingly charged to deliver up the house, &c. and to answer before the King and Council for these acts of oppression. The parties having appeared along with 'Johnne Tuedie, present keipar of the said hous;' and 'in respect the said hous was renderit to the messenger, without tryale or cognitioun, ordanis vtheris letteris to be direct,' charging them 'to render and delyuer the samin, togidder with the

guidis and geir quhilkis thay reffaut thairintill, vpoun inventair,' within fix hours thereafter, under the pain of rebellion, &c.

(Sep. 14.)— WEMYSS younger of Logie and Mr RICHARD DOUGLAS, fone lauchfull to the Laird of Quhittinghame, ordered to be denounced, for not appearing to have answered relative to Earl Bothwell, &c. Sir MICHAEL BALFOUR of Burlie also to be denounced, for not appearing to answer, concerning 'his Maiesteis perfone and estate,' &c.

(Sep. 14.)—PROCLAMATION 'to meit at Peiblis, in feir of weir, with xv dayes victuallis and prouisioun,' upon the xxv day of September, to accompany the King 'in propir perfone, to tak the feildis' against BOTHWELL and his accomplices, 'inhabitantis within the boundis of West Tiviotdail.'

(Sep. 23.)—ANDRO KER of Phairnihirst, Johnne Ruthirfurde elder of Hunt-hill, Williame R. younger of H., Williame Ruthirfurde prouest of Jedburghe and Williame Kirkton baillie of Jedburgh, ordained to be denounced rebels, for failing to appear this day, to have answered 'twicheing the treffounable reffett, intercommoning and intelligence had be thame with Frances sumtyme Erll Bothuill,' &c.

(Sep. 26.)—On account of the state of the harvest, 'be the lang continewance of this stormie and vnseasonable wedder,' the meeting at Peebles was postponed to the tenth day of October.

(Sep. 28.)—SCHIR JOHNNE LINDSAY of Ballingho knight, to be denounced for failing to answer as to his intercommuning with Bothwell.

(Oct. 14, *apud Jedburgh*.)—A great number of the lesser barons on the Border, find security this day and afterwards, that they 'fall behave as deutifull and obedient fubiects.' The Court is held 'at Haliruidhous' on Oct. 24.

(Nov. 4, *apud Haliruidhous*.)—An act is passed in favour of ALEXANDER LORD SPYNIE, in which the charge brought against him of intercommuning with Bothwell, &c.¹ is, after strict trial, found to be a malicious invention of *Colonell Williame Steuart*; the King and Council 'restoir and repone him to his honnour, dignitie, place and service he had of his Maiestie.'

(Nov. 9.)—A 'Commissioun of Lieutennandrie and Justiciarie' is granted to WILLIAM EARL OF ANGUS Lord Douglas and Abirnethie, in consequence of the King being 'informeit of the grite cruelteis, heirschippis and disfordouris recentlie committit be the laules brokin hieland men of the *Clanchattan*, *Clancamroun*, *Clanrannald*, and vtheris, pretending thair dependans vpoun the ERLIS of HUNTIE and ATHOILL, hes sa wrakit and shaikin lowse findrie pairtis of the North cuntrey, that grite nowmeris of honnest and peaceable folkis, his hie-

¹ See Aug. 29, 1592.

nes subiectis, ar murthowrit, thair houffis brunt, now in the winter seasoun, thair guidis spuilzeit, &c. : With speciall pouer to intercommoun with the saidis Erllis and vtheris authouris and movaris of the saidis difordouris and cruelteis, twicheing thair desifting from armes and hostilitie, and repairing of sic placeis as his Maiestie hes appointit, quhair the groundis, occasionis and circumstances of the saidis troubles may be hard, and the same redressit,' &c. And 'giff neid be, to display his Maiesteis banner, assege housis, raise fyre and vse all vther force and weirlyke ingyne,' &c.

(Nov. 16.)—A PROCLAMATION issued against the EARL OF BOTHWELL; and of new interdicting all subjects from intercommuning, &c. with him.

(Nov. 20.)—Another Proclamation and Declaration to the same effect.

(Dec. 8.)—All Resettlers and Assisters of Bothwell, having been ordered, in time coming, to approach no nearer the Royal presence than *ten miles*, and many of them having disobeyed, Warrant is issued to the Provost and Bailies of Edinburgh to apprehend 'DAME MARGARET DOUGLAS, CONTESSE OF BOTHWILE, Arch^d Wauchop younger of Nudrie, Williame Stewart sumtyme Constable of the Castell of Dunbartane, Johnne Hammiltoun younger of Sammelftoun, Williame Liermonth of the Hill, Hercules Stewart of Quhytlaw, Mr Thomas Cranftoun younger of Moriestoun, James Stewart of Tynneis, Sir James Scott of Balverie, Andro Ker of Farnyhirst, Watt Scott of Harden, &c., and all others received or that shall be received into favor, quhilkis shall nocht produce and schaw to thame, his Maiesteis Licence, for thair remaning within the same burgh.'

(Jan 5, 1592-3.)—A PROCLAMATION issued against 'the coverit and biffy trauellis of JESUITES, Seminarie Preistis, borne subjectis of this realme, and sum vtheris, strangearis, and their *tressounable CONSPIRACIE for inbringing of strangearis*, SPANGEARTIS, in this realme, this nixt spring or somer; to the overthrow of his hienes and all professing the trew Religioun with him, and to the ruyne and conquest of this auncient Kingdome and libertie,' &c.

(*Eodem die.*)—Act passed, 'allowing the apprehending and warding' of WILLIAM ERLI OF ANGUS within the Castle of Edinburgh, 'vpoun suspicioun confaut, that he wes guilty of sum tressonable Conspiracie, diuifit for subuerfioun of the trew Religioun,' &c.; 'as planelie appearis be sum Letteris, laitlie apprehendit with Mr George Ker bruthir to the Lord of Neubottle, subscryuit be the said Erll and vtheris his colligis: As als wa, concerning the warding, tryell and examination of the said Mr George, Hew Barclay of Ladyland, and sum vtheris, apprehendit for this same caus.'

(*Eodem die.*)—Another ACT, that in future, all persons suspected of such crimes, shall be called before the King and Council, 'and giff thair aithis of veritie solempnitlie, that thay shall leilie and treulie declair and depone the veritie,

&c., and conceill na pairt thair of; and in cais thay fall refuse to fweir and giff the said aith, that thair refusale, in that cais, salbe haldin as a Confessioun of the crymes quhair of thay ar or fall be delaitit and inquirit.'

(Jan. 8.)—MR ALEXANDER KING, Advocat, finds caution to the extent of L.5000, that he shall appear personally, on six days warning, and answer 'to sic thingis as salbe layed to his charge'. Robert Swintoun of that Ilk, Mr Michael Cheifholme, and Williame Fairlie, burgesis of Edinburgh, were his sureties.

(Jan. 12.)—Letters ordained to be directed, charging SIR JOHNNE KER of Hirfell, knight, and Mr WALTER LINDSAY of Balgawy, to appear and answer, 'concerning thair practizing in materis aganis the Estait of Religioun, his hienes persone and autoritie, and disturbing of the commoun quietnes of the realme;' under the pain of Rebellion.

(Jan. 17.)—PROCLAMATION 'to pas fordwart to the North with his hienes, for resisting and repressing of the authoris of the tressounable Conspiracie for the inbringing of Strangearis, and raising of Ciuile wear,' &c.; and 'for defens and maintenance of the libertie of Religioun from thraldome of conscience, and conquest and flaverie of Strangearis;' 'vnder the pane of tinfall of lyffe, landis and guidis.'

(Jan. 23.)—JOHNNE EARL OF MENTEITH finds Johnne Blair of that Ilk, Johnne Grahame of Knokdoleane and Robert Grahame of Thornik, as his cautioners, under the pain of 10,000 merks, 'that he fall on nawayis invade nor persew WALTER LEKKY of that Ilk, his kin, &c., in the deidlie feid standing betuix him and his saidis freindis.' Johnne Earl of Montrois, Johnne M^r of Montrois, Mr Johnne Grahame of Halzairdis, Sir Duncane Campbell of Glenvrquhay, Williame Grahame of Balivie, Williame Grahame of Claverhous, and Williame Grahame of Panhollis, bind themselves to relieve the cautioners of their surety.

(Jan. 25.)—WALTER LEKKY of that Ilk, finds Johnne Murray of Polmais as his cautioner, under the pain of 3000 merks, that he shall not invade or pursue the EARL OF MENTEITH.

(*Eodem die.*)—Robert Jamesoun, burges of Air, ordained to deliver to Sir James Sandielandis of Slanmannane, 'M^r (Maister) Knight, gentelman of his hienes chalmer,' the sum of 236 'crownis of gold,' delivered to him by James Campbell his servant, who received the same from Mr George Ker, brother to Mark Lord Newbottle.

(Jan. 30.)—COMMISSION to ARCHIBALD EARL of ARGYLE, his hienes Justice Generall, for repressing the violence of 'the wicked CLANGREGOUR, the STEUARTIS of *Baquhidder* and diuers vtheris brokin men of the hielandis,' &c.; with power to charge 'all and findrie personis of the surename of the MAK-

GREGOUR, and the STEUARTIS of Baquhidder, thair affistaris and pairt-takaris, to find fouirtie or to entir plegeis, as he fall think maist expedient, for obseruation of his hienes peace, quietnes and gude reule in the cuntrey,' &c. Power is also given to convocate the lieges, and to 'perfew and assege' their 'houffis and strenthis, raise fyre and vse all kynd of force and weirlyke ingyne,' &c.

(*Eodem die.*)—A number of 'MACKGREGOURIS' charged to appear before the Earl of Argyle, at Stirling, the . . . day of February next.

(Feb. 5, *apud Sanct Androis.*)—GEORGE ERLI of HUNTLIE, FRANCES ERLI of ERROLE and SCHIR PATRIK GORDOUN of Auchindoun, kn^t, ordained to be denounced rebels, for not appearing this day, to answer 'tuiching thair practizing and trafficquing with JESUITES, Seminarie Preiftis, and vtheris excommunicat and trafficquing Papiftis, aganis the state of the trew Religioun,' &c.

(Feb. 12, *apud Halirudhous.*)—ROBERT LOGANE of *Restalrig*, to be denounced, for not appearing to have answered 'vpoun his tressounable Conspiring, consulting, trafficquing and diuifing with Frances sumtyme Erll Bothuill, in fundrie tressounable purpoiffis, aganis his Maiesteis persone and authoritie.'

(Feb. 15.)—SCHIR JAMES CHEISHOLME of Dundorne, kn^t, to be denounced, for not appearing to answer, 'tuicheing his practizing and trafficquing, in fundrie tressounable materis, aganis the trew Religioun,' &c.

(Feb. 26, *apud Abirdene.*)—WILLIAME ERLI of ANGUS, Lord Douglas and Abirnethy, ordained to be denounced, for not appearing to answer, 'tuicheing the tressounable practizing aganis the estate of the trew Religioun, presentlie professit within this realme, his Maiesteis persone, authoritie, estate and realme,' &c.

(Mar. 3.)—MR ROBERT KEITHE, brother to George Earl Marischall, to be denounced, for not appearing to answer a charge at the instance of the Earl and Robert Lord Altrie, his uncle, that 'quhair he, vnmyndfull of his naturall dewtie towardis him, hes laitlie with his compliceis, violentlie, and be way of deid, takin the said Erllis hous of Akirgill, in Caithnes, and intrufit him selff in possession thair of, of intentioun to mak incurfounis vpoun his tennentis and seruandis, occupiaris of his landis adiacent and belanging thairto; and to commit all maner of oppressioun, reif and heirshippis vpone thame: As lykuise, to compell thame to ansuer and mak payment to him of the mailles and dewteis thair of, by (*contrary to*) all ordour of law and justice, and to the grite contempt of his hienes auctoritie: Quhais insolence, albeit the saidis complenaris be able aneuch to repres and tak ordour with; yit, in respect of his hienes presence in the cuntrey, thay ar laith thairto, in hoip that his Maiestie fall prouyde remeid for pvnishment of sic insolence and enormitie.'

(Mr.a 9.)—A COMMISSION is granted to GEORGE EARL MARISHALL Lord

Keith and Altrie, constituting him his Majesty's Commissioner, within the bounds of the Sherifdoms of Kincardin, Aberdeen and Banf, 'to pas, searche, feik and tak GEORGE ERLI OF HUNTLEY, WILLIAME ERLI OF ANGUS, FRANCES ERLI OF ERROLE, Schir Patrik Gordoun of Auchindoun, kn^t, Schir James Cheisholme of Dundorne, kn^t, Mr James Gordoun and Mr Williame Ogiluy, Mr Robert Abercrummy, and all vtheris Jesuites, Seminarie Preistis and trafficquing Papistis, tressounable practizearis aganis the Estate of the trew Religioun, presentlie professit within this realme, his hienes persone, crowne and libertie of this cuntrey: AS ALSWA, the vtheris personis vndirwrittin, denunceit rebellis and putt to the horne, and fugitiue fra his hienes lawis, for the *tressounable* FYRE-RASING and birning of the place of DYNIBIRSELL and MURTHOUR of *vmq^{le}* JAMES ERLI OF MURRAY; thay ar to say, the saidis George Erll of Huntlie, Schir Patrik Gordoun of Auchindoun, kn^t, Schir Thomas G. of Cluny, kn^t, William G. of Geycht, Robert Innes of Innermerky, Johnne Gordoun apperand of Lesmoir, William G. of the Craig of Auchindoir, Johnne G. youngair of Carnburrow, George G. his bruther, James Lorymer, Alexander Chalmer, seruitouris to the Laird of Innermerky, Patrik Gordoun of Letterfoury, Patrik G. of Corrachrie, Johnne G. younger of Auchannachie, Normond Leslie, Johnne Vans of Lochslyne, Johnne Gordoun of Auldtounleyis, Johnne Drummond, Andro Wode, Johnne Edmestoun, Robert Dalgleishe, Williame Borthuik, George Gordoun of Crechie, James Moubray, George Gordoun bruthir to Patrik G. of Corrachrie, James Borthuik at the Brigend of Haillis, Johnne Chalmer suster-sone to the Laird of Geycht, and Williame Morisoun; togidder with the ressettaris, &c., and to bring them before the King and Council, or before the Justice or his deputies, to be punished for their demerits: AND also, 'to repress and resist, and as occasioun fallis oute or necessitie requiris, to tak and apprehend all thevis, revaris, fornaris, violent and maisterful oppressouris, hieland and lauland, brokin men,' &c. With power likewise to hold Courts of Justiciary, &c.—The following persons are added 'as Counfallouris to the said Erll, be quhais aduise, or ony three of thame conjunctlie, he and his deputis fall proceid in the execution of this present Commissioun, viz. Johnne Maister of Forbes, Robert Lord Altrie, Alexander Iruing of Drum, Schir Walter Ogilvy of Findletter, kn^t, Schir George Ogilvy of Dunlugus, kn^t, Alexander Frazer of Phillorth, James Creichtoun of Frendraucht, Williame Forbes of Tolquhone, George Johnnestoun of Caskyben, Williame Forbes of Monymusk, Williame Forbes of Corse, Johnne Wisbert of Pittarro, of Thornetoun, of Lowrestoun, of Balmane and Arbuthnott of that Ilk.'

(Mar. 9.)—A similar COMMISSION granted to JOHNNE ERLI OF ATHOILL Lord Balvany, as his Majesty's Commissioner, within the bounds of the shires of

Elgin, Fores, Nairn, Inverness and Cromarty. He is instructed 'to concur, fortifie and assist' the Earl Marischall; 'and for this effect, to repair to him with his forceis, within the saidis boundis, at sic tymes as the necessitie fall sa require, or as he salbe aduertist or defyrit be the said Erll Marisshaell.' Symon Lord Frazer of Lovatt, Johnne Grant of Freuchy, Coline M^cKenzie of Kintail, Lauchlane M^cIntoshe of Dunnauchtane, George Ros of Balnagowne, Mr Hector Monro of Foullis, Johnne Dunbar of Moynes schereff of Murray, Johnne Vrqhart tutour of Cromartie, Thomas Frazer tutour of Lovatt and Williame Suthirland of Duffus, are appointed his 'counfallouris.'

(Apr. 12, 1593, *apud Halyruidhous*.)—'JOHNNE BUCHQUHANNANE of Drumfoid and James B., sonis to Thomas B. of Blairlofk, Archebald M^cAirthure in (*and*) Airthure M^cAirthure in Ardindowane, Johnne M^cInlay, sone to the millar of Dunstuge, and George Buntene M^cIndoquhy, seruand to Thomas B. of Blairlofk,' ordained to be denounced rebels, &c. by virtue of 'our souerane lordis Letteris, rasit at the instance of Johnne Campbell of Ardkinglas, Maister Johnne C. of Auchinvelling, Mr Dougall C. Deine of Breichin, Patrik and Robert Campbellis, brether to vmq^{le} Duncane Campbell; makand mentioun, that quhair the said Johnne C. of Ardkinglas, at the speciall directioun of his hienes, being cuming to the burgh of Edinburgh, vnder his Maiesteis protectioun, and being on his jorney, at Dumbertane, vpon the xxviij day of Marche last, accompanied onlie with four seruandis, in peceable and quiet maner, he tuik purpos to hald fordwart his jorney that same nycht efter supper, be resfoun of the trublis quhilkis ar in that cuntrey, lippynning for nathing les than ony injurie or trouble to haue bene intendit aganis him; notwithstanding, it is of the trewth, that Johnne Buchannane, &c. being aduertist of the said Lard of Ardkinglas intention to hald fordwart his jorney that nicht, thay associat vnto thame selffis findrie vtheris, brokin men and fugitives, to the number of tuentie-foir personis on horse and fute, all bodin in feir of weir, with lang hagbuttis, jakkis, pistolettis and vtheris waponis invasiue, prohibite to be worne be the lawis of this realme and Actis of Parliament; and lay in ambushment in ane yaird, direct opposite to the gait, quhairby the said compleneris behuifit to pas, of sett purpos and prouisioun to haue murderit him in his by cuming: Lyk as, the said vmq^{le} Duncane and ane vther of his seruandis, being gangand a litle befor him, and the personis foirsaidis fuirly beleving that ane of thame had beine the said Lard of Ardkinglas, thay dischairgeit ane dufane of harquebuittis at the saidis tua personis, and schott the said vmq^{le} Duncane in the heid with ane of the same schottis; and thaireftir cuming furth of the yaird, finding the said vmq^{le} Duncane not to be deid, and still beleving he had beine the said Lard of Ardkinglas, thay schamefullie and barbarously maglit and flew him with sweirdis, and cuttit of his heid:

And then, perflaving thame felffis to be difapointit, thay fchairplie followit the faid Lard, fchott aucht or nyne hagbuittis at him, and had not failit lykwayis to haue flaine him, wer nocht be the Prouidence of God he efchaipit : Committing thairthrow maift fchamefull and barbarous Murthure, vpone fett purpos and prouifioun, in hie and proud contemptioun of his Maieftie and his authoritie, and euil example of vtheris to do the lyke, giff this remane vnpuniffet.'

(Apr. 15.)—Johnne Lord Hammiltoun ordered to be denounced, for not prefenting Mr PATRIK HAMMILTOUN, brother to George H. of Preftoun, Captane of the Caftell of Brody in Arrane, as bound by the laws and the 'Generall Band,' to prefent and enter him before the King and Council, 'to be punift for his demerittis, proud contempt and rebelloun;' and to have answered to a Complaint made by Abacuch Biffett,¹ writer to the Signet, that on 23, 25 and 28 days of September, 1587, Mr Patrick was denounced rebel, for not appearing before the King and Council, 'tuicheing thair (Mr Patrick's and John H. fear of Preftoun, his brother's fons) cruell perfuit and inuafioun of the faid complener, within St Geilis Kirk of Edinburgh, in tyme of Parliament, and mutilatioun and difmembering him of the haill fingeris of his left hand,' &c.; and that 'fen the tyme of his denunceatioun, he hes maift fchamefullie and vnhoneftlie murdreift and flane tua innocent men, to wit vmq^{le} Dauid Stewart in Buit, and vmq^{le} Inglis, quha newer offendit him,' &c.; 'befydis mony vther and odius vicked deidis committit be him, vpone his Maiefteis peceable fubiectis, and fpeciallie, within the pairtis of Arrane, quhair he wes appointit Capitane of Brody, oppreffand fic as may not refift him, baith be fey and land, and takand ranfomis and buiting² with wtheris his complices, that he houndit out to that effect; behaving him felff, in all respectis, as gif he wer not fubiect to a fouerane lord and king,' &c.

(Apr. 17, *apud Edinburgh*.)—James Cheyne of Straloch became cautioner for PATRIK CHEYNE of Effilmonth, 'that he, be him felff and all that he is obleift to anfwair for, be the lawis of this realme, fall behave thame felffis as dewtifull and obedient fubiectis'—and that thay fhall not 'tak pairt with George Erll of Huntlie, &c., nor na vtheris, Jefuitis,' &c., under the pain of 3000 merks.

(Apr. 21.)—A number of 'NORTHLAND MEN' find caution under large fums, that thay fhall repair to the town of Dundee, upon the 24th day of April in-

¹ Habakkuk Bisset was clerk to Sir John Skene, Lord Clerk Register. He is the reputed author of 'Ane fhort Forme of Proces, prefently vfed and obferved before the Lords of Counfell and Seffion,' appended to Skene's Scottish translation of the Regiam Majestatem, published in 1609. This work forms one of the articles in a fcarce volume, entitled 'A Compilation of the Forms of Process in the Court of Session, during the earlier periods after its eftablifhment; with the variations which they have fince undergone, and likewise some ancient tracts concerning the manner of proceeding in Baron Courts; published by order of the Commissioners lately appointed by his Majesty for Enquiring into the Administration of Justice in Scotland.' 8vo. Edinburgh, 1809. ² Free-booting? Taking booty.

stant, 'and thair, ather satisfie the Generall Assemblie of the Kirkis, quhilkis ar to be convenit thairin the same day, in sic thingis as concernis the trew Religioun, &c. ; and returne ane Testimoniall of the same satisfioun, to his Maiestie and Lordis of Secreit Counsale, within thre dayis nixt thairefter ; or ellis, within the same spaice, fall returne and enter thair personis in waird, within the burgh of Edinburgh,' &c.

Apr. 26.)—PROCLAMATION, that 'fforsamekle as thair is ane Justice Court proclamit and appointit to be haldin within the burgh of Hadingtoun, vpon the thrid day of Maij nixtocum, with continewatioun of dayes, be certane noblemen, barrones and vtheris, to quhome his Maiestie hes gevin full power and Commiffioun to call and convene befor thame diuerse personis, inhabitantis within the boundis of the sherefdomes of Berwik, Lawderdaill and Edinburgh, within the Conftabularie of Hadingtoun, committaris of the saidis crymes and enormities, and to proceid and minister justice vpon thame,' &c. 'And that necessar it is, that Commiffionaris be weill and substancioullie accompaneit, with a force of his hienes guid subiectis.' Therefore, that the 'Erllis, lordis, barronis, fewaris and frehalderis, duelland within the saidis boundis, alsweill to regalitie as ryaltie,' be charged to repair to Haddington 'weill bodin in feir of weir, and with ten dayis wictuallis and prouifioun.'

ANENT the Tryall and punishment of the Ressetaris and assistaris of
THE ERLL BOTHUILL.

(May 1, apud Haliruidhous.)—Anent the Kingis Maiesteis Propositoun to his nobilitie and baronis presentlie conuenit, concerning the present difordouris ower all the realme, and contempt of his hienes autoritie ; and speciallie, how his persoun might be gairdit, and the rebellious contempt of Frances sumtyme Erll Bothuill his affisteris and resettaris represit and puneffit ; it wes answerit, that the seruice and execution necessar for that effect, behuiffit to be done, ather be a force of waigeit men, quhilk hardlie may be intertenit be ony vther moyen (to thair knowlege) nor be a generall taxatioun ; and that cannot be condiscendit vnto, without the consent of all the Estaittis convenit, the personis now present being vnable of thame selffis to resolue thairanent ; or then, the said execution behued to be maid, be ane force of his hienes subiectis, of all estaittis, to be convenit personallie in armes, be Proclamatioun : Notwithstanding, that thair fall appeir na inlaik, in the det-bund guidwill and readynes of the noblemen, barrones and counsale present, to do all that lyes in thair habilitie, alsweill for the faulfgaird and preservatioun of his hienes persoun, as for the repressing of the said sumtyme Erll his affisteris and resettaris, without ony excuse or delay ; thay offerit thame selffis redde to remane and accompany his Maiestie, and

to affist him with thair trew counsale, or to pas in sic pairtis as fould be fund expedient, for seircheing and reprehending of the avowit and knawin offendaris; and thocht meit, that vtheris quha ar suspect, fould be callit befor his hienes and his Counsale, or his Justice; and baith the ane foirt and the vther tryit and pvnifit, as thay fould be fund to haue merited; with all vther persounis knawin giltie, or suspectit as offendouris aganis the trew Religioun, or in vtheris odious crymis ower all pairtis of the realme, and justice to be ministrat and executit thairvpone with all possible expeditioun. FURTHER, seing his hienes clemencie, heirtofore schawin to the saidis Erllis assistaris and ressettaris, hes producit sa littill guid effect, bot be the contrair, hes bene sa contemptiouflie and ingraitlie abuifet; efter reffoning, quhidder it wer mair convenient to schaw ony forder or lyk clemencie heirefter, or with seueritie to try and persew the offendouris, quhill the occasioun of the evill be takin away; the noblemen, counsaill and barronis, presentlie declairit and concludit, that seueir justice wes maist expedient to be vsit and executit in tyme cuming, sen his hienes former clemencie hes bein sa far abuifet: And lykas, thay haue maist humblie craved of his hienes, that the conclusiounis sett down be commoun consent in counsale, for the executioun of the premisses, fall not be alterit nor brokin be ony thing, to be grantit or past his Maiesteis hand, without the knowlege and aduise also of the Counsale sittand, at the importune suit of ony privat personis; quhairvnto his hienes hes condiscendit and promiseit:¹ Sa that the saidis noblemen, barronis, counsale and vtheris now present, or that fall subscriue this present Act heireftir, lykwayis faithfullie promise vnto his Maiestie, that nane of thame fall heirefter speik or solist him in the fauour, or for spairing of ony personis that salbe thocht worthy to be tryit and pvnifit, for the cryme foirsaid, vnder the paine of his hienes reprimand and indignatioun; and to be esteemit be him as fauoraris and partakaris with the said Erll, in all his tressonable and vicked deidis; as alsua, faithfullie promiseit, not onlie to accompany his Maiestie, as is befor writtin, sa lang and in sic nwmer as his hienes fall think necessar, bot also to vse thair panes, and do thair exact diligence in seircheing, apprehending, trying and punisheing of the said Erll his assistaris, part-takeris and ressettaris, to the effect thay may suffer according to thair demerittis; and to leif na maner of guidwill and effectuell doing vnperformit, in this behalf, that thay wald vse in thair particulair² deidlie feidis, aganis thair awin privat ennemies. AND finalie, the noblemen and vtheris present, being shireffis or ordinar judgeis,³ promittit the performance heirof, within thair awin boundis and iurisdictionis; as

¹ This Act of the Privy Council shows, in a very strong light, how apt the king was to give way to private solicitations, and to vacillate in all matters of importance, when his feelings were worked upon by intriguing courtiers. ² Proper, peculiar, personal. ³ That is, such of them as were judges, &c.

they will answer to God and his hienes thairvpone. IN witness quhairof, his Majestie and thay hes subscriuit thir presentis with thair handis.

(Sic subscribitur)

JAMES R.

LENNOX. ARGYLE. MORTOUN. MAR. ALEX^r L. HUME. R. L. SEYTOUN. M^r OF GLAMMIS. JAMES LINDSAY. MELROSE. NEWBOTLE. LINCLUDEN. J. COKBURNE. BLANTYRE. R. COKBURNE. BASS. S^r WILLIAME KEITH. S^r GEORGE HWME. TRAQUHAIR. DUNYPACE. GEORGE HUME of Wedderburne. ALEXANDER HWME of Northberuick.

(May 2.)—THE COMMENDATAIR OF SANCT COLMIS INCHE, tutour of Murray, ordained to be charged, that he in no wise ‘cut down, distroy, mell and intromet with the wod of Doun in Menteith, quhilk properlie appertenis to his Maiestie:’ And the lieges to be charged, ‘that nane of thame tak vpone hand to by (*buy*), blok or bargane with the said Commendatare or any vtheris, anent the said wod;’ under the penalty of paying double the value to his Majesty, and to be ‘puneist as distroyaris of policie,’ &c.

(May 3.)—On the complaint of Thomas Kirkpatrik of Clofburne, ‘that EDWARD MAXWELL of Tynwald, Edward and Johnne his sonis, Johnne M. of Kirkconnell, Robert M. of Keltoun, Thomas and Robert his sonis, Johnne M. tutour of Aikinheid, &c. hes laitlie maid and subscryuit ane vnlauchfull Band and League, quhairin thay ar all bundin, sworne and obleist to manteine, defend and tak pairt, ilkane with vtheris, in quhatfumeuir thair actionis, in the law, or by the law;¹ accounting the actioun and querrell of onie ane of thame to be equall and commoun to thame all:’ And that in terms of this league, they on April 3, with ‘convocatioun of his hienes liegis, to the nwmer of tua hundreth personis or thairby, all bodin in feir of weir, with jakkis, speiris, hagbuttis, pistolettis, &c. come to the compleinaris 20 f. land of Rouch-Ile, of purpos violentlie to haue intrufit Robert Greir thairintill; quhilk thay had not failit to haue done, wer nocht the said compleinar, being foirfeine of thair interpryse, assemblit certane of his freindis, to defens and maintenance of his awin possessioun.’ Having failed to answer a charge to appear this day, they were ordered to be denounced rebels, and their goods escheated, &c.

(*Eodem die.*)—Robert Galbraith of Culcreuch, ‘be the speciall counsale and devise’ of George Buchannane of that Ilk, having purchased a Commission of Justiciary, for pursuit of THE CLANGREGOUR, their refetters and assisters, with fire and sword, containing charges for convening the lieges to concur and assist him in its executioun; ‘quhilk Commissioun the said Robert hes not purchest vpoun ane intentioun to attempt ony thing aganis the Clangregour, bot vndir cullour thairof to extend thair haitrent and malice against ALEXANDER COL-

¹ Whether in terms of the law, or in opposition to it.

HOUN of *Luss* and ALLAN (AWLAY) M^cCAULA of *Ardincaple*, thair kin and freindis, with all extremitie; and vndir cullour of fercheing and feiking of the Clangregour, to assege thair houffes and rais fyre thairin; quhairof he hes alreddy gevin a sufficient pruffe, be the convocating of the haill name of Buchannane, for the maist parte in armes, (with quhome the said Allane standis vndir deidlie feid,) and be quhais pouer and force he proceidis in all his actionis, &c. And albeit thay ar na les willing to persew the Clangregour, with thair haill pouer and force nor (*than*) the said Robert is, yit thai dar nocht ryse and accompany the said Robert to that effect, for feir of thair lyveis; in respect of the deidlie feid standing betuix the said Alexander Colhoun of Luss and the said Robert, throu the slauchter of vmq^{le} Donald M^cNeill M^cFarlane, houshald seruand to the said Robert, committit be the said Alexanderis vmq^{le} bruthir; quhilk feid yit standis betuix thair houffis vnreconfiliat, and the said Laird of Culcreuch daylie awaittis all occasionis to revenge the same; and in respect of the feid laitlie renewit betuix the said Laird of Ardincaple and the Buchannanis, with quhais pouer, counsale and force the said Robert is assisted, in executioun of the said Commissioun, vsing thair aduise and directioun in all thingis thairanent; as alswa, in respect of the grite grudge and haitrent standing lykwayis betuix the said Laird of Ardincaple and the said Robert, quha haueing bereft his awin moder, quhome the said Laird of Ardincaple hes now maryt, of hir haill leving, he hes be ordour of law recouerit the same furth of his hands; for the quhilk caus, the said Robert seikis to haue his advantage of him, hes gevin vp kindnes, and denunceit his euill-will to him with solempne vowis of revenge.' On complaint made, ' the Kingis Maiestie, with auise of the Lordis of his Secreit Counsale, in respect of the euill will and inimitie standing betuix the foirsaidis pairteis, thair kin and freindis, &c.; and pairtlie, for the slauchtir of vmq^{le} Petir Colhoun, committit be Johnne Buchannane Shereff-depute to the said Robert Galbraith, be vertew of a Commissioun, as he allegeit, EXEMIS (*exempts*) the said Alexander Colquhoun and Allane Macaula, thair kin, &c. fra all ryfing, convening or assisting the said Robert, in putting the said Commissioun to executioun; and decernis the same, in sa fer as it is extendit to the fercheing or feiking of the Clangregour within thair houffis, to be suspendit and dischargeit *simpliciter*, in tyme cuming.'

(*Eodem die.*)—PATRIK HEPBURNE of Richartoun, Thomas his bruthir, Nianiane Huik his seruand and Williame Otterburne seruand to vmq^{le} Alex. O., were ordained to be denounced rebels, for coming, ' with Williame Anderfone, presentlie in the Tolbuith of Edinburgh in waird, and thair complices, all bodin in feir of weir, with jakkis, steilbonettis, vpone the xj day of Februare lastbipast, about ten houris at evin or thairby, vnder silence and cloud of nycht, to the

toun of Babertoun, quhair vmq^{le} Alexander Borthuik, sone to Adame B. in Wester Haillis, and vmq^{le} James B. thair freind and kynisman, wer liand in the said vmq^{le} Alexanderis hous, in thair beddis, dredand na evill, &c.; the said Patrik and his complices foirsaidis, maist crewallie and barberoufflie rafit fyre in the houffis and chalmer quhair the saidis vmq^{le} Alexander and James lay, and brunt the famin houffis and chalmer, with certane vther houffis adjacent thairto; of sett purpois and prouisioun to haif bereft thame of thair lyves: And the saidis vmq^{le} Alexander and James and thair famelie, for eschewing of the said fyre, come furth of the saidis houffis, quhair the saidis personis maist tyrannoufflie sett vpon thame, hurt and woundit findrie of thair seruandis, bairnis and wyffis, crewallie and vnmercyfullie murdreift and flew the saidis vmq^{le} Alexander and James, as also hurt and woundit Margaret Hoig, spous to the said Alexander, quha is yit in grit danger of hir lyff; committing thairthrow ane maist hie cryme of Treffoun aganis his Maiestie, to the great contempt of God, his hienes autoritie,' &c.

(May 8.)—JOHNNE LORD FLEMING ordained to be denounced rebel, for not appearing to find surety to 'compear before the Justice on May xxj, under the pain of 10,000 pundis,' to underly the law 'for beiring, weiring and schuitting with hagbuttis and pistolettis, and wounding of findrie his hienes subjectis, vpon the . . day of Aprile lastbepast.'

(*Eodem die.*)—ROBERT GALBRAITH of Kilcrewch ordained to be denounced rebel, for not finding security in terms of the General Band; 'that he, be himself, and all sic as he is obleift to answer for, sould be answerable to justice and satisfie pairteis skaithit, vnder the pane of 2000 pundis; and forder, that thay sould not reffett, supplie nor intercommoun with ony persoun of the surname of *Buchannane*, *Makgregour* nor *Makfarlane*, quhilkis ar declairit fra his hienes lawis, or denunceit to the horne for criminall cauffis; nor furneise thame meit, drink, hous nor harbery,' &c.

(*Eodem die.*)—THE COMMENDATAIR OF SANCT COLMES INCHE ordained to be denounced for not appearing personally, and for not presenting Thomas Inglis his fervant, 'to haue ansuerit to sic thingis as sould haue bene inquirit of thame, tuicheing thair treffounable reffett, supplie and intercommouning with FRANCES sumtyme ERLI BOTHUILL,' &c.

(May 12.)—THE INHABITANTS OF KELSO, except Williame Lauder, having come in his Majesty's will for the treasonable reset, supplying and intercommuning with 'FRANCES sumtyme ERLI OF BOTHUILL and his complices, at diuerse and findrie tymes, sen the proces and dome of forfaiture led aganis thame;' they find security that they shall 'satisfie his Maiesteis will, in filuer, prouiding the same his will exceid not the sowe of 2000 merkis money.'

(May 17.)—ALEXANDER LEVINGTOUN of Pantoskane ordained to be denounced rebel, for not appearing to answer ‘tuicheing his tressounable reffett, supplie and intercommoning’ with the Earl of Bothwell and his accomplices, &c.

(*Eodem die.*)—THE KING’S WILL towards THE INHABITANTS OF KELSO was this day formally declared, viz. ‘That the present haill Inhabitanter of the said toun and thair posteritie salbe frelie pardonit and remittit, &c.; and that thir presentis be als sufficient for the suretie of thair lyves, landis and guidis, as giff the same wes past in forme of Remission vnder the Grite Seill, with all solempniteis requisite: And siclyke, that the saidis personis fall mak payment to his Maiesteis thesaurar of the soun of sevintene hundreth merkis money; and forder, that thay fall find caution actit in the buikis of Secreit Counfall, that thay fall not reffett, supple nor intercommoun with the said sumtyme Erll nor his compliceis, furneis thame meit, drink, house nor harbery, nor haue intelligence with thame, priuatlie nor publictly, in tyme cuming, vnder quhatfumeur cullour or pretence; vnder the pane of tua thousand pundis.’

(May 24.)—The Provost, bailies, council and community of THE BURGH OF PERTH make complaint, that notwithstanding their having submitted the adjustment of all differences between them and ROBERT BRUCE of Clakmannane ‘to certane of his awin freindis, well affected to the removing thair of, and to the Kingis Maiestie as owerfman,’ yet that ‘Johnne Wilfone and Johnne Nevene, with certane vtheris honest burgeffis and inhabitantes of the said burgh, passing toward the cietie of St Androse to the mercat thair of, in quiet and peceable maner, laitlie, vpon the xxij day of Aprile instant, wer vnbesett at the cobill¹ of Rind, in thair hie way, be the said Lard of Clakmannane, accompanyt with nyne horsemen and futemen, bodin with hagbuttis, jakkis and vther airmour, and be thame maist cruellie and vnmercyfullie persewit for thair bodelie harmes and slauchteris: Lykas, the saidis Johnne Wilfone and Johnne Nevene, being baith hurt and woundit in diuerse and findrie pairtis of thair bodyis, to the effusion of thair bluid in grit quantitie; the said Lard and his complices maist schamefullie tirrit² thame baith naikit, and in maist barbarous and disdainfull maner skurgit thame with horse brydillis throw the toun of Abernethie, as gif thay had bene thevis or haynous malefactouris, left the said Johnne Nevene liand thair for deid, and tuik the said Johnne Wilfone, naikit, as captiue and prissonner, away with thame, to quhat place the saidis compleinaris knawis nocht, nather ar certane quhidder he be deid or leavand; vsurpand thairthrow vpon thame his hienes authoritie, to the manifest and proud contempt thair of, misregaird of all law and justice, and evill example of vtheris to commit the lyk barbaretie and insolence, vpon the guid and obedient subiectis.’—The Laird

¹ Ferry-boat station, near the confluence of the rivers Earn and Tay. ² Violently stripped. Fr. *tirer*.

was charged to appear before the King and Council to answer for his conduct, and failing, is ordained to be denounced rebel. 'Johnne Erll of Gowry Proveft of the faid brugh' appears to plead the caufe of the inhabitants of Perth.

(*Eodem die.*)—WARRANT is granted to 'Williame Ker of Cesfurd Wardane of the Middill Marche, and James Dowglas of Caveris Shereff of Roxburgh, and their depuittis, to pas feirch, tak and apprehend SIR JOHNNE KER of Hirfell, kny^t, (quha being excommunicat and out frome the cumpany and focietie of the faithfull, as alfua denunceit rebell, and put to the horne of a lang tyme bigane, hes remanit at the proces thairof fenfyne, as he dois yit, vnrelaxit; and refort- and to and fra in the cuntrie, as gif he wer his henes fre fubieft; and continew- and in his filthie cryme of Adulterie, for the quhilk he wes excommunicat, &c.) quhaireuir he may be apprehendit within thair boundis and jurifdictioun; and bring and present him befoir his Maieftie and Counsaill, or befoir his Justice or his depuittis, to be puneift for his demerittis,' &c.

(May 26.)—Alexander Lord Levingftoun and Williame L. fear of Kilfyth become fureties for JOHNNE LORD FLEMYNG, that he 'fall pas and enter his perfoun in waird, within the boundis of the fcherefdom of Striueling, within thre dayes nixt efter the dait heirof; and remane and keip ward thairin, and not transcend the boundis thairof, ay and quhill he be fred be the Kingis Maieftie, with auife of his Counfaile, vnder the pane of 10,000 pundis.'

[*Adam Bishop of Orkney, Alexander Commendator of Culros, Eduard Commendator of Kinloss, James Lord Lindsey, Adam Lord Vrquhart, Sir Robert Melville of Murdocarny, kn^t, specially appointed by a Commission from Parliament.*]

Treasonable Conspiracy against the King—Invasion of the Palaces of Holproodhouse and Falkland, &c.

JUN. 1.—FRANCES sumtyme ERLLE BOTHUILE,¹ Gilbert Penniecuik, Johnne Rutherfurde of Hunthill elder, Thomas Rutherfurde of Hunthill younger, Symon Armeftang younger of Quhithauch.

Being fummoned, 'for certane crymes of Treafone and Lefemajestie,' the Advocate produced the fummons and executions, with Letters of Relaxation, Mar. 16, 1592-3, bearing Bothwell 'to be relaxit fra the procefs of Horning led aganis him.'

(Jul. 16.)—The 'reasone and caus contenit in the fame fummondis' is found relevant; and the Advocate declared, 'that he fuld vfe his probatioun with all expedition.'

¹ See Acts of Parl. 1593, &c.

[*REGE ipso presente, cum omnibus regni statibus.*]

PERSEWARIS, Mr David McGill and Mr Johnne Skene, Aduocatis to our fouerane lord.

(Jul. 21.)—M^{ris} David Makgill and Johnne Skene, Advocattis to oure fouerane lord, for verefeing of the said reafone contenit in the said Summondis of Treffone rafit aganis the said Frances fumtyme Erll Bothuill, producit and repetit the Extract of the Foirfaltour, led and pronuncit befor the Justice and his deputtis, aganis the said Frances fumtyme Erll Bothuill, fufcryuit be the Laird of Ormeiftoune Justice Clerk, of the dait the xxv day of Junij the yeir of God 1591, Depofitionis of certane witneffes examinat befor the faidis Lordis of Articles in the said mater ; the notorietie of the deid libellit ; and the cuming of the defendaris in to the Palice of Halyruidhous and Falkland, the tymes libellit ; quhilk in materis of hie Treffone fuld mak full probatioun ; and that the Lordis of Parliament, being the greit Affyis of the cuntrie, of the daly practik ; quhatfumeuir perfonis clengis nocht, of certane knowlege, the perfonis acufit, he fylis thame : And the commoun notorietie of this fact and treffone libellit, and contumacie of the defendar, is fufficient to mak na man to clenge him : And was content the foirfaid procefs and Summondis of Treffone wer haldin concludit ; and defyrit the Eftatis to aduife the procefs and to pronounce thair Sentence of Parliament thairintill, according to the faidis probationis and thair confciences. And immediatlie thaireftir the faidis aduocattis exhibite and producit befor the Kingis Maieftie and haill Eftaitis, lyk as thai did dyuerfe tymes ofbefoir, the Summondis of Treffone vndirwrittin, rafit and perfewit at the instance of oure fouerane lord his hienes Justice, aganis Frances fumtyme Erll Bothuile, quhairby he was fummond to compeir befor our fouerane lord the thrid day of Aprile, fourfcoir threttene yeiris instant with continewatioun of dayis, to haue anfuerit to the poyntis of Treffone vndirwrittin, contenit in the faidis Summondis : Off the quhilkis Summondis the tennour followis.

SUMMONS OF TREASON *against FRANCIS sometime EARL BOTHWELL and others.*

JACOBUS, Dei gratia Rex Scotorum, dilectis nostris Leoni Regi armorum, Ilay, Albany, Rofs, Rothefay, Snawdoun, Merchemont, herauldis ; Johanni Fergusone, Roberto Stewart, Alexandro Douglas et Daudi Bryffoun, clauigeris ; Ormond, Bute, Vnicorne, Carrik, signiferis et nunciis, ac eorum cuilibet, coniunctim et diuifim, vicecomitibus nostris in hac parte specialiter constitutis : Salutem. Mandamus vobis et precipimus quatenus fumnoneatis legitime et peremptorie coram testibus, Franciscum olim Comitem de Bothuile, Gilbertum Pennycuke, Johannem Rutherford de Hunthill seniore, Thomam Rutherford de Hunthill juniorem, Simonem Armeftang juniorem de Quhit-hauche, Conspiratores, perpetratores et celatores criminum Lese Maieftatis subsequendum, personaliter, si eorum personales presentias commodum habere poteritis, alioquin apud loca eorum habitationum, vel per publicam proclamationem, apud cruces forales burgorum nostrorum de Edinburgh, Hadington, Jedburgh, aliaque loca necessaria ; degentes vero seu existentes extra regnum nostrum, seu certum nullo domicilium in eodem habentes, apud dictas cruces forales aliaque loca necessaria, super premoni-

tione sexaginta dierum, sic quod huiusmodi summonitio ad eorum aures et notitiam veresimiliter preuenire poterit; quod compareant coram nobis seu Justiciario nostro primo die mensis Junij proxime sequen. in nostro Parlamento apud Ed^r tertio die mensis Aprilis sequen. Tenen. hora causarum cum continuatione dierum, ad respondendum nobis nostroue Justiciario, in prefato Parlamento, super proditorijs criminibus subsequen. IN PRIMIS, dictos scilicet Franciscum olim Comitem de Bothuile, &c. et eorum quemlibet, pro sua proditoria arte, parte, consilio, in ipsorum proditoria Conspiratione, consultatione et conclusione horrendi facinoris contra nostram honorabilem personam et vitam, per dictas personas commissi. xxvii. die mensis Decembris, anno domini 1591, sub noctis silentio, in ipsorum proditoria Invasione Palatii nostri de Halyruidhous, intrando ibidem cum assistantia, consortio et convocatione, aliarumque homicidarum, oppressorum, latronum ac huiusmodi insolentum virorum armatorum et a legibus nostris fugitivorum, et deliberato animo et certa intentione violentas manus in nostram regiam personam imponere, ut vitam nostram vel nefarie extinguerent vel nos captivos secum deducerent: Et ad hunc effectum, prefati Conspiratores directe accesserunt ad nostram priuatam conclauem seu cubiculum, et ostijs ignem nefarie iniecerunt, domesticos nostros presenti violenta morte minitendo objurgandoque, nisi ipsis declararent ubi nos essemus, nulla vnquam inquisitione per eos facta ob quamcunque aliam personam nisi propter nosmet ipsos: Ac preterea, violenter effregerunt malleis, ostia interioris cubiculi Regine nostre charissime coniugis; atque demum, ubi parum se promouisse et ad illorum invitatam scelus ad propositum nefandum peruenire non posse, intellexerunt, in eorum regressu nondum satisfacti, crudeliter et sine vlla misericordia domesticos et familiarissimos nostros seruitores ob nostram causam interfecerunt et jugulauerunt: Hinc manifestissime crimen Summe Proditionis contra nos, nostram vitam, auctoritatem regiam et leges committendo. SECUNDO, prefatos Franciscum olim Comitem de Bothuile, &c. Et eorum quemlibet, pro sua proditoria arte, parte, auxilio et consilio, in sua proditoria Conspiratione, consultatione et conclusione horrendi facinoris contra nostram honorabilem personam et vitam per dictos Conspiratores commissi. xxviij die mensis Junij anno domini 1592, in ipsorum proditoria Invasione Palatii nostri de Falkland intra vicecomitatem nostrum de Fyff, nobis ibidem intus pro tempore existentibus, accedendo ibidem cum assistentia et concursu homicidarum oppressorum, latronum, declaratorum proditorum et huiusmodi insolentium virorum armatorum et a legibus nostris fugitivorum, ex deliberato animo et certa intentione violentas manus in nostram regiam personam imponere, ut vitam nostram vel nefarie extinguerent, vel nos captivos secum deducerent: Et ad hunc effectum, predicti Conspiratores cum suis sociis accesserunt ad posticum dicti nostri Palatii, ejaculando tormenta fereae, et huiusmodi machinas eneas violenter idem posticum oppugnarunt, ut eo disrupto, facilius ingressi prefatam suam coniurationem et horrendum facinus inceptum complerent: Hinc manifestissime crimen Summe proditionis contra nos, nostram vitam, auctoritatem regiam et leges committendo; atque adeo, pro ipsorum proditoria celatione et occultatione prefate Coniurationis, consultatione, conclusione et executione eiusdem. TERTIO, commemoratos Johannem Rutherford dom. de Hunthill seniore, et dom. juniorem, Simonem Armestrang juniorem de Quhithauche, et eorum quemlibet, pro sua proditoria receptione et auxilio prestito dicto Francisco olim comiti de Bothuill; et pro eorum proditoria assistentia, participatione et intercommunicatione cum prefato Francisco et suis complicibus, nostris proditoribus declaratis, contra leges et statuta regni nostri; idque in mensibus Aprilis, Maij, Junij, Julij, Augusti, Septembris, Januarij, Februarij, Marcij, anno domini 1592, et eorum quolibet respectiue, in locis de Hunthill, Jed, Hawik, Liddisdail: Hinc manifestissime crimen Proditionis contra nos, nostramque vitam, auctoritatem regiam et leges regni nostri committendo; atque adeo, pro ipsorum proditoria celatione et occultatione predictae sue intercommunicationis, receptionis et auxilij supraspecificat. QUARTO, prefatum Symonem Armestrang, pro sua proditoria arte parte et consilio in executando monetam adulterinam domi sue de Boyne in Liddisdail, in mensibus Aprilis, Maij, Junij, Julij, Augusti, Septembris, Octobris, Novembris, Decembris, Januarij, Februarij et Marcij, et quolibet eorum, anno domini 1591: Hinc manifestissime crimen Summe Proditionis contra nos auctoritatem re-

giam et leges regni nostri committendo ; atque adeo, pro sua celatione et occulatione eiusdem. IDEOQUE, suprascriptos Conspiratores ad videndum et audiendum sese et eorum quemlibet, respectu premifforum, crimen Lese Maieftatis incurrifse, per nos et trium regni nostri statuum decretum decerni et declarari : et super predictis et alijs quamplurimis rebellionibus et transgressionibus et proditorijs criminibus per prenominatas personas, contra nos, regnum nostrum, auctoritatem regiam impie et nefarie perpetratis ; et dictis die et loco, cum continuatione dierum, proponendis et ostendendis ac juri parendum, et super hujusmodi iudicium nostrum et nostri Parliamenti, secundum leges regni nostri exspectandum et subeundum, dictas viz. personas Conspiratores, perpetratores et celatores criminum precedentium, ad videndum et audiendum sese et eorem quemlibet, intuitu premifforum, crimen Lese Maieftatis incurrifse, per nos et trium regni nostri statuum decretum decerni et declarari ; et propterea, ipsorum bona, mobilia et immobilia, tam teras quam officia aliasque res ad eos spectantes, nobis confiscari et pro perpetuo nobiscum in proprietate remanere, personasque suas penam prodicionis et vltimi supplicij a regni nostri legibus inflictum subire ; et vberius in premiffis respondendum et juri parendum : Intimando supradictis Conspiratoribus eorumque cuilibet, quod siue dictis die et loco cum continuatione dierum comparuerint siue non, nos, dictusque nostri Justiciarius in premiffis, iusticia mediante, procedemus et procedet. INSUPER citetis, &c. ad comparandum coram nobis nostroue Justiciario dictis die et loco, cum continuatione dierum, ad perhibendum fidele testimonium in causa predicta, indorsatas earundem latori reddatis ; et vos qui presentes executi fueritis sitis ibidem dictis die et loco coram nobis seu dicto nostro Justiciario, portan. vobiscum summonitionis vestre testimonium in scriptis pro premiffis seu ipsos testes : Ad quod faciendum vobis et vestrum cuilibet coniunctim et divisim vicecomitibus nostris in hac parte committimus potestatem. DATUM sub testimonio nostri Magni sigilli Apud Edinburghe, vigesimo tertio die mensis Marcij, anno domini millesimo quingentesimo nonagesimo secundo, et regni nostri vigesimo sexto.

Quhilkis Summondis, with the executionis and indorsationis thair of respectiue foirsaid, being this instant day red, in presence of his Maieftie and haill Estaitis of Parliament, first in Latyne and syne in Scottis, and the said Frances sumtyme Erll Bothuile being oftymes callit of new, at the Tolbuith window of the said burgh of Edinburghe, to haue comperit and anfuerit to the said Summondis and reffonis contenit thairin : And he nocht comperand to haue defendit in the said mater and to haue anfuerit to the saidis Summondis, the saidis aduocattis to his Maieftie, desyrit the saidis Estaitis declaratioun, gif the reasones of the saidis Summondis wer relevant aganis the said Erll Bothuile ; quhilkis Estaitis all in one voce said the same relevant aganis him. Thairfoir, the saidis aduocattis of new, for verefeing of the said reffones contenit in the said Summondis of Treffone, producit and repetit the extract of Forfaltour led befoir the Justice and his deputtis aganis the said Frances sumtyme Erll Bothuill, Depositionis of the saidis witnesses, notorietie of the factis, and repetit the haill probationis repetit be him of befoir in the said mater this instant day, and desyrit the saidis Estaitis of Parliament to aduise the Depositionis of the saidis witnesses and vtheris probationis, and to pronounce thair Sentence of Parliament thairintill, according to the samyn probationis and thair consciences : And thaireftir, the Depositionis of the haill witnesses execut to the death, and of the witnesses examinat in presence of the saidis Lordis of Articles, haill wreittis and probationis, being red, sene and

confidderit be the saidis haill Estaitis of Parliament, in presence of the Kingis Maiestie, and thay thairwith being ryiplye aduyfit, the saidis Lordis and Estaitis of Parliament findis, decernis and declaris, that the said Frances sumtyme Erll Bothuile hes committit and done oppin and manifest Treffoun aganis our said fouerane lord, in all pointis and articles contenit in the said Summondis : And thairfoir it was gevin for dome, be the mouth of James Neisbit dempfter of Parliament, in maner and forme as followis.

DOOM OF FORFEITURE. This Court of Parliament schawis for law, that the said Frances sumtyme Erll Bothuile hes committit and incurrit the crymes of Treffone and Lese-Maiestie abonewrittin, in maner at lenth contenit in the ressonis of the saidis Summondis. And thairfoir, decernis and declaris all his guidis moveable and vnmmoveable, alswell landis as offices and vtheris thingis quhatfumeuir belangand vnto him, to be confiscat to our fouerane lord, and to remane perpetuallie with his hienes in propirtie, in tyme cumming ; and his persoun to vnderly the pane of Treffone, and vtter pvnishment appointit be the lawis of this realme. And this I gif for dome.

(Jun. 21.)—JAMES GRAY, sone to Patrik Lord Gray, ordained to be denounced rebel, for not appearing this day, to have answered ‘ vpoun his contemptuous reviffing and taking be force and violence of Katherene Carnegy, dochter to Johnne Carnegy of that Ilk, furth of the hous of Robert Jouffy merchand in Edinburgh, and carying of hir away and keiping hir captiue aganis hir will ; committit vpoun the tent day of Junii instant ; and als to have exhibite and presentit the said Katherene the said day, &c. to be putt to libertie,’ &c.

(*Eodem die.*)—SCHIR JAMES JOHNESTOUN of Dunfkellie knicht, ordained to be denounced rebel, for not appearing to have answered ‘ to sic thingis as fould haue bene inquirit of him at his cuming, tuicheing his treffonnable breking of warde furth the Castell of Edinburgh,’ &c.

(*Eodem die.*)—GEORGE SMOLLETT burges of Dunbartane, ordained to be denounced rebel, for not appearing to answer certain charges at the instance of the Provosts, bailies and community of THE BURGHS of GLASGOW and RENFREW, in regard that the said George had, ‘ vpoun sum finifter and wrang informatioun maid to his hienes, laitlie purchest ane priuey Letter or Commissioun vnder his hienes subscriptioun and signet allanerlie, without auise of Counsaile, tryale, cognitioun, or ony vthir proces preceding ; vnder cullour quhairof, haueing associate vnto him selff certane debosheit men and vagaboundis, he not only maisterfullie and perforce oppresses and revis the guidis and bestiall, clething and vtheris wairis, brocht be the Inhabitantis of the Ilis and vthiris pairtis of the Hielandis to the said burrowis, baith be sey and land ; bot takis, apprehendis and impresonis thair personis, and sumtymes persewis thame selffis be way of deid :

Quhairvpoun, the cheiff personis and vtheris inhabitantis of the saidis Hielandis, hes consauit sic haitrent and malice aganis the saidis complenaris, in particulier, as gif thay wer authouris and allowaris of this forme of doing, that thay haue denunceit thair inimitie and ewill will to thame, takin alreddy sum of thair nichtbouris prisionairis, intromettit with thair guidis, and avowit to vse all kynd of rigour and extremitie aganis thame; quhairby, not onlie ar thay liklie to be defraudit and disapointit of that mutuall interchange quhilk hes bene had amangis thame, to the commoun benefeit of the haill inhabitantis of the Lau-landis and in-cuntrey, bot be tyme, Ciuile weir is lyklie to follow, to the brek of the peax, and bringing on of mony inconvenientis, giff tymous remeid be nocht prouidit.' The King and Privy Council likewise discharged the Commission, and decerned the same to cease.

(Jun. 25.)—JOHNNE LORD HAMMILTOUN gets a suspension of Letters raised at the instance of Abacuch Bissett,¹ ' becaus the said Lord hes found caution, that he sall remove, expell and hald the said Mr Patrik Hammiltoun furth of his landis, rowmes, possessionis and bailliereis, during the tyme of his rebelloun, conforme to the Generall Band, vndir the pane of 1000 merkis.'

(Jun. 28.)—THOMAS KIRKPATRIK of Clofburne, his kin, friends, &c. exempted from the jurisdiction of ' Wardanerie and Justiciarie of Johnne Lord Maxwell, and fra all ryfing, convening or accompanying of him or his deputis, to ony dayis of trew heireftir: ' Because it is of veritie, as it is notour, that the said Lord and the said complenair (Closeburn), thair kin and freindis, presentlie standis vndir termes of vnfreindschip and inimitie; and kyndnes and freindschip is gevin vp betuix thame, infafer as not onlie hes the said Lord tane vpone him the patrocinie and defens of all the said complenaris vnfreindis, bot als wa, be all indirect meanis, hes huntit for his lyffe, and daylie awaittis the occasioun to bereve the said complenair of his lyffe; as namelie, vpoun the thrid day of Aprile last, the said Lord conuocat and assemblit togidder of his kin and freindschip, the noumer of tua hundreth personis or thairby, and directit thame to the said complenaris landis of Rouch Ile, to haue dispoftit him thairfra, vpoun intention alwayes, gif the said complenair had cum to resist thame, to haue bereft him of his lyffe; and senfyne, Thomas Greir of Barjarge and Gilbert Greir of Drum, men tennentis and seruandis to the said Lord, with conuocatioun of vtheris his freindis and seruandis, to the noumer of fourescoir personis or thairby, bodin in feir of weir, off the said Lordis speciall causing, &c. come to Bardannauch, being within the schoit of ane hacquebute to the complenaris landis of Rouch Ile, and dischargeit ane grite noumer of hacquebutis and pistolettis at

¹ See Apr. 12, 1593.

him and his seruandis, and had not faillit to haue flane him, wer nocht he wes the bettir accompanyit for the tyme : Lykas, vpoun the last day of Aprile, the said complenair haueing directit certane of his freindis and seruandis to the burgh of Drumfreis, for findrie his effearis, the said Lord, vpoun aduertisment thair of, directit xxiiij of his men and seruandis, quha fercheit and focht the said complenaris seruandis throw all pairtis of the said burgh, quhair thay wer accusumat to hant and repair, stoggit beddis, and had not faillit to haue flane his seruandis, gif thay had bene apprehendit ; and at that same tyme thay cruellie hurte Johnne M^cMudie, seruand to the Gudeman of Kerse, the said complenaris coufing. In respect quhair of, the saidis complenaris dar nocht ryse, convene nor accompany the said Lord, vnles thay wald mak conuocatioun of thair hail kin and freindschip, quhairvpoun sum grite inconuenientis will not fail to fall oute, without remeid be prouydit.—Lord Maxwell, though charged, failed to appear before the Council ; but Closeburn ‘ comperit be Roger Kirkpatrik his bruthir.’

(Jul. 5.)—SCHIR ARCHIBALD STIRLING of Keir, Matheu Colhoun his seruand, James Kinros feuar of Kippanros, and George Musshett of Tolgarth, were ordained to be denounced rebels, for failing to have appeared and answered ‘ twicheing the slauchter of vmq^{le} Williame Sinclair of Galduadmoir, Eduard and George Sinclairis his sonis, committit vpoun the thrid day of Junij last.’

(Jul. 7.)—AN ACT anent the weiring of Hacquebutis and pistollettis is passed. It is stated that the former ordinances had been disregarded, ‘ quhairthrow vile murthouris and frequent slauchteris hes not onlie bene committit within Kirkis and vtheris placeis, ower all pairtis of this realme, bot evin within the burgh of Edinburgh and suburbis thair of, ewest to his hienes Palace and place of residence, to the grite hafairst of his awine persone,’ &c. It then states various modes by which noblemen and others were drawn into street brawls and ‘ deidlie feidis’ by swagging and turbulent persons, ‘ quhilkis wickit and vnhappy spirittis lykwayes ceiffis not to make and tell lesingis betuix his hienes, his nobilitie and gude subiectis, be previe or oppin speichis, and sumtymes be famous libelles and rymes disperfit or affixt, alwayes of mynd to saw and foster discord and dissension,’ &c. Command is therefore given to the Provost and bailies of Edinburgh and suburbs, and their officers ‘ the Capitane of his hienes Gaird, officiaris and Archearis of the same, and vtheris appointit for gaird during the tyme of this present Parliament, the Maister of his hienes Palice, and portair of the same, and all thair deputis, to ferche and seik for all hacquebutis and pistollettis borne, worne or schoitt within his hienes Palice or vtheris place of residence, or in the burgh of Edinburgh or suburbis thair of, and to take and intromett with the same, and to escheate the same to the behuif of the apprehendaris ;

and convoy the personis of the beararis, weiraris and schuittaris to his hienes warde and presoun,' &c.

DELETIOUN OF WILLIAME GORDOUN of *Auchindore furth of the
Summondis of Foirfaltour.*

(Jul. 21.)—Comperit personallie, Mr Johnne Skene, aduocatt to our fouerane lord, and producit ane writting subfcryuit be his Maiestie;¹ off the quhilk the tennour followis.

‘REX,

‘Mr Daud M^cGill and Mr Johnne Skene, our ordiner Aduocattis, We greit 3ow weill: Forfamekle as We vnderstand, be veray credible narration maid to ws, that Williame Gordoun of Auchindore is altogidder innocent of the crymes ffor the quhilkis he is atteichit to be foirfalt, in this our Parliament, contenit in the Summondis of Treassone direct furth aganis him and certane vtheris thairanent: Quhairfoir, it is oure will, and We expresse command 3ow and ather of 3ow, that with all guidlie diligence ye obliterate and deleit the said Williame Gordoun, name and surename, with his style, furth of the saidis Summondis and executionis thairof, sua that na kynd of proces be led aganis him at the said Parliament, for ony cryme contenit thairin. And thir presentis salbe sufficient warrand to 3ow. Subscriuit with our hand at Haliruidhous, the xvj day of Julij, and of our regnne the xxvj 3eir, 1593.

‘Sic subscribitur, JAMES R.’

According to the quhilk writting, and for obedience of the samyn, the said Mr Johnne Skene as aduocat to our fouerane lord, and in his hienes presence and estattis foirfaidis, defyrit the Clerk of register and his depuittis to deleit the said Williame Gordoun furth of the Summondis of Treassone and Lese-maiestie persewit be his hienes aganis the said Williame Gordoun of Auchindore and certain his complices, ffor the alleagit airt, pairt, counsaill and assistance, in the *BIRNING of the Houssis and Place of Dunybrissell*, committit vpoun the sevint day of Februar I^mV^c lxxxxj yeris, and cruell *Murthuring and Slaying of JAMES, ERLL OF MURRAY* thairin: Quha at command of his hienes lettre, presentlie in jugement, obliterate and delitit the said Williame Gordoun of Auchindoris name, surname and stile, furth of the bodie of the said Summondis of Treassone and executionis thairof. Quhairvpoun Mr Johnne Demster, aduocat, in name and behalf of the said Williame Gordoun, askit instrumentis.

(Jul. 21.)—The quhilk day, in presence of the Kingis Maiestie and Estaites of this present Parliament,² comperit Johnne Leslie of Balquhane, and producit the offeris vnderwrittin, for the pairt of Williame Erll of Angus, George Erll of Huntlie, Francis Erll of Erroll, Schir Patrik Gordoun of Auchindoun, kny^t, and Schir James Chisholme of Dundurne, knicht, personis dilatit and suspectit of the crymes of Lesemajestie; off the quhilkis offeris, the tennour followis.

¹ See Acta Parl. A.D. 1593, fol. 15, &c.; see also March 9, 1592-3.

² Ibid.

OFFERRIS *presentit to the Estaitis, be the Laird of Balquhane, in name of the ERLIS of ANGUS, HUNTLIE and ERROLL, and vtheris.*

In the first, forsamekle as the saidis personis ar Indytit and accusit of Lese-majestie, for consulting and concluding for the inbringing of strangeis and subuersioun of the Religioun, at lenth contenit in pair Summondis of Foir-faltrie, gif it will pleis your Maiestie and Estaitis, to select and cheis certane ather of your Maiesties Counsaill or Parliament, to intreat and commoun, ather with the saidis personis thame selffis or thair freindis, thay fall nocht onlie de-clair and mak notifiit thair innocence, and schaw thair guid will and obe-dience to your Maiestie and cuntrie; bot also, thay neur meanit nor attempt-it, nather directlie nor indirectlie, contrair your Maiesties persoun, stait of pe cuntrie, nor Religioun publictly proffessit thairintill. ITEM, efter the triall of pair innocence, to tak away all occasioun of suspitioun, the saidis personis offeris for continwance of thair dewtifull seruice vnto your Maiestie in tyme cuming, that thay fall neur traffique nor haue intelligence with ony forreyne natioun or Prince, in hurt or preiudice of your Maiesties persoun, estait, com-moun weill and Religioun, bot to follow your Maiestie in all tyme cuming, as your maist obedient and humble subiectis, aganis quhatsumeir your Maiesties vnfreindis: And securitie to be maid in sic sufficient forme as salbe thocht ex-pedient. ITEM, your Maiestie being satisfit, for removing of all kynd of sklander and euile consauit opinioun be the Kirk aganis the saidis personis, thay ar con-tent, efter commoning had with certane Ministrie, to be depute be your Maiestie and Kirk to that effect, incace pai, efter ressoning, may be throuchlie ressoluit, nocht onlie to satisfie the Kirk for ony sklander, bot also concerning the hail heidis and Articles of Religioun; vtherwayis, gif pai can nocht be throuchlie re-soluit, thay are content to depairt furth of the cuntrie, thair to remane during your Maiesties plesour, or ay and quhill thay satisfie the Kirk in the premissis: And to that effect, and incaise foirsaid, maist humbly cravis your Maiesties licence. And in the meantyme, for your Maiestie and Kirkis better satisfactioun, the saidis personis fall remove out of thair cumpany all suspect personis of Religioun.

Quhilkis being red, hard and considerit be pe saidis Estaitis, and thairwith being adwyfit, the foirsaidis Estaitis, for thair advise to his Maiestie thairanent, findis it meit and expedient, incace the saidis noble men and vtheris foirsaidis, conforme nocht thame selffis vnto his Maiestie and his lawis, presentlie esta-blischit within this cuntrie, anent the Religioun professit within the same, that his hienes grant thame Licence, vpoun thair humble sute, to be maid to that ef-fect, to pas furth of the cuntrie, vpoun sic conditionis, and to sic vn suspect places, as his hienes and his Counsaill fall prescriue and appoint: And incaise thay will nather conforme thame selffis, as said is, vnto his hienes and to the Religioun pre-

fentlie professit, nather yit will pas furth of the countrie, conforme to the directionis to be gevin to thame; that his Maiestie and his said Counsaill tak ordour thairwith, as thay think maist meit for quieting of the cuntrie and Estait of Religioun. And in the meantyme, that thai remane vnder the Proces and Summondis of Foirfaltour, execut aganis thame in this present Parliament, quhill furder probatioun may be had and gottin of the crymes of Tressone and Lese-maiestie libellit aganis thame thairintill.¹

(Jul. 26.)—An Act is passed 'in fauouris of THE ERLL BOTHUILL and his compliceis,' viz. Dame Margaret Douglas Countesse of Bothuill,² James Douglas of Spott, &c. Proclamation is ordered to be made, charging 'all his hienes liegis, that nane of thame tak vpoun hand to sklander, murmour, reproche or bakbyte the personis abouewrittin or thair pairt-takaris, or onywayes molest or perfew thame, in bodyis or guidis, vpoun quhatfumeuir caus, cullour or cryme bigane.' And that Letters be directed to relax them from the process of horn.

(Aug. 8.)—PROCLAMATION, relative to 'ane schip of Prestoun laitlie arryvit in this Firth, cum furth of England, quhairin ar findrie personis and guidis suspect to be infectit with the pest.' The 'maisteris, skipparis, marinaris,' &c. are charged 'to addresse thame selffis with the said schip and guidis being thairin to Sanct Colmis Inche, and thair loise handle,³ and remane with the same schip and guidis, vnto the tyme pruiiff and tryale be had, giff thay be foule or cleane of this diseafe,' &c. Charge is likewise given to the liegis, to prevent communication with the ship.

(Sep. 11.)—THE CHEIFFIS and Principallis of THE BRANCHEIS OF CLANNIS' are charged 'to enter plegeis, for keiping of guid reule in tyme cuming; vnder the pane of executioun of the saidis plegeis to the death, in caise of transgressioun and not redres maid be the personis offenderis, for quhome the saidis plegeis lyis,' &c.

(*Eodem die.*)—A PROCLAMATION, convening 'the Erllis, Lordis, &c. weill bodin in feir of weir, with tuentie dayis victuall and prouisioun, to meit his hienes at Peblis, vpoun the first day of Nouember nixtocum,' for 'invasioun of the cuntreyis ewest THE BORDOURIS, perturbaris of the commoun quietnes of the realme; vndir the pane of tinfall of lyffe, landis and guidis.'

(*Eodem die.*)—A PROCLAMATION, 'to meit Ludouik Duke of Lennox, Erll

¹ Oct. 30, (*apud Lynlythgow.*)—A Commission is granted to John Lord Thirlstane, Chancellor, the Earls of Marischall, Mar, Montrose and Rothes, &c. 'to heir and consider the Petitionis of the Erllis of Angus, Huntlie and Errole,' &c. Their decision was declared to be final. *Acta Parl.*, fol. 44.—Jan. 18, 1593-4. They are declared to have amitted the benefit of the Act of Abolition, and that they be forthwith put to trial. *Acta Parl.* fol. 53.—Maii 20, 1594. The Advocates produced a Summons of Treason, but 'nane of thame comperit.' *Acta Parl.* fol. 55. And again on May 30. See farther proceedings, Jun. 8, 1594. ² See her Trial for the rest of the names, May 4, 1592.

³ And there unship their rudder and cast anchor.

Dernelie, Lord Tarboltoun, Methven and Aubigny his hienes Lieutennent, at Striuling, on Nov. 1, for invasioun, persute and pvnishment of the rebellious and contemptuus personis, Inhabitantis of THE HIELANDIS and cuntreyis adjacent thairto.' In terms of the former Proclamation.

(Sep. 12.)—A PROCLAMATION to the Justices and Commissioners appointed by Parliament, &c. 'to proceid and minister justice vpoun all strang and idill BEGGARIS, vagaboundis, thevis and fornaris, or thair reffettaris and pairt-takaris in thair thifteous and wicked deidis; and being convict, to pvnishe thame presentlie to the death, or vtherwayes, as thay fall find caus worthie,' &c.

(Oct. 9.)—A PROCLAMATION to meet his Majesty at Lauder, on Friday next, Oct. 12. It proceeds on the narrative, that 'the Kingis Maiestie being weareit with the mony and diuers complaintis of his hienes peceable and gude subjectis, herreit, wrakkit and oppreffit be thevis, brokin men, and vtheris difordourit personis, INHABITANTIS OF THE BORDOURIS of this realme, quhilkis daylie committis stouthis, reiffis, slauchteris of trew men, in the defens of thair awne guidis, and findrie vtheris crymes and enormiteis maist vnnaturall; not onlie within the bowellis of this realme, bot als within the nichtbour cuntrey of England,' is determined to 'repress the insolence of the saidis difordourit personis, chieflie now, befoir the winter seasoun approche, and the nichts grow lang.'

(Oct. 11.)—Letters appointed to charge FRANCES sumtyme ERLI BOTHUILL, James Douglas sumtyme of Spott, and Mr Johnne Coluill sumtyme of Strarudie, to appear before the King and Council, on Oct. xxv, 'to ansuer to sic thingis as falbe inquirit of thame, concerning maist Heich Treffoun committit be thame aganis his Maiesteis persone and estate; and to vnderly sic ordour as falbe takin in that behalff,' under the pain of rebellion, &c.

(Oct. 25.)—THE EARL OF BOTHWELL, Douglas of Spott and Mr Johnne Coluill, ordained to be denounced rebels for not appearing, &c.

(Oct. .)—PROCLAMATION that as the EARLS OF ANGUS, HUNTLEY and ERROL, 'be diuerse thair lettres and vtherwise, hes maist humelie and eirnistlie craved ane Tryale,' for thair 'treffonnable Conspiracie,' committed in the month of January last; and in order to prevent disturbances in the kingdom, 'in respect of thair gritnes and the place thay occupy,' that 'his gude subiectis forbear to mak conuocatioun or gadding in quhatfumeuir pairtis of the realme, be the perswasioun or sinister informatioun of ony personis; bot be in reddynes to repair to his hienes selff, as thay falbe aduertist be his awne Proclamatioun or Missiue Letteris, and na vthirwayes: And that thay dissolue thair forceis, gif ony be alreddy conuocat, and depairt hame to thair duelling houffis, except sic personis as ar specialie requirit be his awne Letteris, to be presentit at the Conventioun of the Nobility and Estates now at Lynlythgow,' &c.

(Oct. 31, *apud Lynlythgow*.)—A COMMISSION granted to Johnne Lord Thirlstane Chancellair, George Erll Marisshaell, Johnne Erll of Mar, Johnne Erll of Montrois, Andro Erll of Rothies and Alexander Lord Levingstoun, James Scott of Balvery, Johnne Murray of Tullibairdin, Alexander Bruce of Airth, knychtis, and George Lauder of Bafs, Williame Scott of Abbotishall and M^r David Carnegie of Culluthy, Alexander Hume of North Beruik Prouest and Clemett Cor, Commissioners of Edinburgh, with the Commiffionaris of Dundee, Striuling, Lynlythgw and Coupar, with the officiaris of Eftate that fall happin to be present for the tyme, &c.; and that Maifteris David Lindsay, Robert Bruce, Patrik Galloway, James Carmichaell, Robert Pollok and Johnne Duncanfoun, Ministeris, or sic of thame as beis present, haue access and audience quhen thay haue ony thing, or fal happin to be callit vpoun for conference; to heir and confidder the Petitionis of the ERLIS OF ANGUS, HUNTLIE and EROLE.

(*Eodem die*.)—PROCLAMATION ‘that nane tak vpoun hand to invade, trouble or perfew the saidis Erllis and vtheris, seikaris of the said Tryale, in bodyis or guidis, during the tyme of the same tryale; vndir all hieft pane, charge and offens,’ &c.

(Nov. 6, *apud Haliruidhous*.)—PROCLAMATION ‘that nane repair to Edinburgh bot sic as ar writtin for.’ A Convention had been called by the Eftates at Linlithgow ‘to findrie noblemen, baronis and vtheris to convene within the burgh of Edinburgh, vpoun the tuelft day of Nouember instant, and thair to treat, consult, deliberat and conclude vpoun findrie materis; specialie, twicheing the fuirtie of the Eftate of Religioun and professouris thair of, and fuirtie to be tane of all personis suspectit or dilaitit to be aduersaris of the same, or trublaris of the quietnes of the cuntrie; or in cais of thair dissobediens and contempt, how thay fall be perfewit or repressit,’ &c.

(Nov. 26.)—‘ACT OF ABOLITIOUN,’ that Godis trew Religioun publictly preichett and be law establisht in the first yeir of his hienes reigne, fall only be professit and exercisit be all his Maiesteis lieges, &c.

(Dec. 22.)—A COMMISSION granted to ‘WILLIAME LORD HEREIS, Schir Johnne Gordoun of Lochinvar, Alexander Steuart of Garleis, James Douglas of Drumlanrig, Thomas McClellane of Bombie, Thomas Kirkpatrick of Closeburne, Williame Greirfoun of Lag, Alexander Jardane of Apilgirth, Johnne Charterhous of Amysfeild and Charlis Murray of Cokpule, or to ony sevin, fyve or thrie of thame coniunctlie, his hienes full pouer, speciall command and charge, to convene, treat and consult vpoun sic thingis as may tend to the observatioun of the peax and amitie with England; establisshing and making of quietnes and gude reule, within the boundis of THE WEST MARCHE; resistng and repressing of the disturbaris thair of; and committaris of thift, ressett of thift, reiff, mur-

thour, slauchter, ffyre-rafig or vtheris oppreffionis and enormities ; quhairthrow the trew and peceable fubjectis may be preferuit and defendit from wrak and heirschip : And to that effect, to convocat his hienes liegis within the boundis of the faid Marche, in armes, for perfute or defens, alfoft as neid beis ; vndir the pane of tinfale of lyffe, landis and guidis, &c. And for the bettir furtherance of the premisses, Justice Courte or Courtis, within the Tolbuith of Drumfreis, or ony vthir place, within the boundis of the faid West Marche, to fett, begin, afferme, hald and continew. The faid Commiffioun quhill the fyftene day of Februaire nixtocum, and forder ay and quhill the fame be difchargeit, to indure.'

—THIS Commiffion was granted on account of ' the present troublit ftate of the Bordouris, speciallic in the West Marche thair of, foiranent England, be occafion of the treffounable rebelloun of SCHIR JAMES JOHNNESTOUN of Dunskellie knight and his compliceis ; quha, eftir impvntie, and his hienes grace and pardoun reffaut, for findrie treffounable and wicked deidis committit be him and the thevis of his name, and vtheris, thair affiftaris ; at laft the faid Schir James *tressounable brak warde furth of the Castell of Edinburgh*, and be the faidis wicked thevis of his name and vthiris, maift crewellie and barbaroullie *Murthourit* the trew men, *induellaris in the Sanquhair*, in the defens and faulftie of thair awne guidis ; continewing ftill in his treffounable deidis, as *Birning of the Parroche-Kirk of Lochmabene*, and slauchter of fume of his Maieftis fubiectis fend hither be JOHNNE LORD MAXWELL, his hienes Wardane and Justice, for the furthsetting of his Maieftis authoritie : And at laft, vpoun the faxt day of December instant, cuming with conuocatioun of his hienes liegis, and diuers Englifhmen, treffounable brocht within this realme, armed, in plane hoftilitie aganis the faid vmq^{le} Lord Wardane and Justice, he beiring our fouerane lordis authoritie for the tyme, vmbefett, invadit, perfewit and maift cruellie and outragioullie *slew him and sindrie Gentilmen of his name*, and vtheris his Maiefties fubiectis ; drownit, lamyt, dememberit and tuke a grite nowmer of prifonar, reft and fpuilzeit thair horffis, armour, purffis, money and vtheris guidis ; and ftill continewis in thair rage, crueltie, heirschip and waifting of the cuntrey ; in proude contempt of his hienes authoritie and Lawis.'

(Dec. 27.)—ALEXANDER LORD SPYNIE ordained to be denounced rebel, for failing to appear before the King and Council to have answered ' to fic thingis as fould haue beene inquit of him at his cuming, tuicheing certane treffounable practizeis and Conspiraceis deuifit and attemptit aganis his Maieftis perfone and eftate.'

(*Eodem die.*)—ARCHIBALD WAUCHOP appeirand of Nudrie and Gilbert Pennycuik to be denounced rebels, for the fame reafon as above.

(Jan. 9, 1593-4, *apud Edinburgh.*)—HERCULES SCOTT bruthir germane to

Frances sumtyme Erll Bothuill, and NINIANE CHIRNESYDE,—SYM ARME-STRANG y^r of Quhithauch,—JOSIAS STEUART bruthir germane to Andro Lord Vchiltrie,—and M^r THOMAS CRANSTOUN apperand of Mureiftoun, are severally ordained to be denounced rebels, for not appearing to answer concerning certain treasonable practices and Conspiracies, devised and enterprised against his Majesty's person and estate.

(Jan. 18.)—‘ACT OF THE TAXATIOUN of ane hundreth thousand pundis,’—‘the Quene his darrest bedfellow now shorthlie approcheing to the tyme of hir birth, to the conforte alswell of his hienes as of all his trew and faithfull subiectis.’

(*Eodem die.*)—‘ACT declairing the ERLIS of ANGUS, HUNTLIE and ER-ROLE to haue amittit the benefeit of the Act of Abolitioun.’

(Jan. 25.)—‘ACT of materis referrit to the Secreit Counsaill.’—‘That thai first begin and tak ordour anent the PAPISTIS LORDIS, Jesuitis, Seminarie Preiftis and excommunicat personis, and thair resfettaris; thaireftir, with FRANCES sumtyme ERLI BOTHUILL, his complices and thair resfettaris; the Slauchter of his hienes WARDANE OF THE WEST MARCHE; the Slauchter of the TWA MINISTERIS; and all vtheris Slauchteris, Murthouris, Deforceing and dinging of Officeris of armes, in execution of thair officeis; cruell Oppressionis, and vtheris odious crymes,’ &c.

(Jan. 26.)—ROBERT STEUART and WILLIAME STEUART callit of Innermeith, and WILLIAME STEUART of Tulliemett, and ROBERT CREICHTOUN of Cluny, were ordained to be denounced rebels, for not appearing to have answered concerning certain treasonable practices and Conspiracies, &c.

(*Eodem die.*)—SCHIR JOHNNE MELUILL of Carnbie ordained to be denounced rebel, for not appearing to have answered a charge, at the instance of the Tenants of his Majesty's proper lands of Kingbarns; that he, having begun to erect a mill on the said lands, the tenants made ‘lauchfull interruptioun to him; for the quhilk he hes confaut ane deidlie haitrent and malice aganis thame, daylie invading and persewing thame, &c.; as namelie, vpoun the faxt day of October last, Thomas Fermour, ane of the saidis tennentis, being cumand in peceable and quiet maner fra the citie of Sanctandrois to his awne house, wes vmbesett in the hie way betuix the Grenelaw and Polduff be the said Schir Johnne, James Meluille and Robert Betoun his fervandis, quha being missilit, (*disguised, or masked,*) bodin and furneist with hacquebutis, pistolettis, swardis and vtheris wapones invasive, &c. and thair, maist cruellie hurte and woundit the said Thomas in diueris pairtis of his bodie, as namelie, the said Laird struke him with ane pistollett vpoun the heid and feld him; quhairthrow he is almaist blin-dit of his left ee; and left him thair for deid,’ &c.

(*Eodem die.*)—ROBERT BUCHANNANE of Spittell, Mungo B. in Tullichewne,

and eight other *Buchannanes*, ordained to be denounced rebels, for not relieving George B. of that Ilk, of a Decreet Arbitral, pronounced by Ludovick Duke of Lennox, upon a Submission entered into by the Laird of B., taking burden upon him for his friends, on the one part, and Allane (Awlay) M^cCaula of Ardincaple and his friends, on the other part; 'be the quhilk Decrete, the said George hes bene decernit to mak payment to the said Allane, and vtheris his friendis, of a certane sowing of money, for sum violence done, and attemptit aganis thame be the said George freindis.'

(Jan. 31.)—WILLIAM ERLI OF ANGUS, GEORGE ERLI OF HUNTLIE, FRANCES ERLI OF ERROLE and SCHIR PATRIK GORDOUN of Auchindoun, kn^t, charged 'to pas and enter thair personis in warde, within the feuerall wardis following,' viz., Angus, within the Castle of Blacknefs; Huntlie, within the Castle of Dunbartane; Errole, within the Castle of Edinburgh; and Sir Patrick, within the Castle of Thomptalloun; 'thairin to remane, vpoun thair awne expensses, ay and quhill thay be tryit, foule or clene, of the saidis crymes;' under the pain of Treason.

(Feb. 14.)—The King and Council Annul, revoke and discharge 'all and quhatsumeir COMMISSONIS of LIEUTENNANDRIE and JUSTICIARIE, preceiding the dait heirof.' This Act proceeds on the narrative, that 'a grite nowmer' of such Commissions had been 'past and purchest be findrie noblemen, baronis and vtheris, within thir lait yeiris; quhilkis, for the maist pairte, wer vfit ayther for thair awne particulair proffett, to the depaupering of honest men, his hienes gude subiectis, na commoditie followand to his Maiestie; to acquite sum personis of crymes, quhairof thay wer guilty, and deseruit pvnishment; or to be revengeit of vtheris, aganis quhome thay professit euill will and enimitie; as vn-happie experience, be the monyfauld slauchteris, and treffonable ffyre-rafigis that hes bene committit within thir few yeiris, euidentlie declairit.' Charges are ordered to be given, that thenceforward 'nane of thame tak vpoun hand to vse or execute the same Commissionis, or to mak convocatioun of his hienes liegis, vnder the pane of Treffoun.'

(Feb. 26, *apud Striuling*.)—PROCLAMATION against ALEXANDER LORD SPYNIE, ROBERT CREICHTOUN of Cluny, &c. charging the lieges, that none of them reser, supply nor intercommune with them, nor furnish them with meat, drink, house or 'harbory;' and that they assist the Sheriffs, &c. in apprehending them; under the pain of being held 'as arte and pairt-takeris with the saidis declairit tratouris.'

(Mar. 8.)—Act against the EARLS OF ANGUS, HUNTLIE and ERROL, ordaining them 'to be repute, haldin and persewet as tratouris; and the proces and dome of ffoirfaltour to be led aganis thame, conforme to the lawis of this

realme, and Actis of Parliament ;'—they having failed to enter thair persons in ward, as lawfully charged.

(Mar. 14.)—'MR JAMES BETOUN of Creich, keipar of his hienes CASTELL and PALICE OF FALKLAND, charged to rander and deliuer the same, with the plenneffing, guidis and geir being thairin, pertening to his Maiesteis selff, vpoun Inventair, to the officeris executouris of the Letteris, within xxiiij houris ;' and failing, to denounce him rebel : And also to charge DAVID MURRAY, fader-bruthir to M. of Balvaird, in like manner, to remove furth of the Park and Wood of Falkland : This is done in consequence of 'his hienes darrest bed-fallow the Quene, now laitlie preiffing and requiring his hienes with the accomplisheing ' of his promise, that his haill conjunct-fee and terce-leving, pertening to her within the lordschip of Fyffe, shold be putt in hir awne possesseioun.'

(Mar. 27, 1594, *apud Edinburgh*.)—A COMMISSION, granted to 'ALEXANDER LORD HWME, Wardane of the Eist Marche ; SCHIR ROBERT KER, appeirand of Cesfurde, Wardane depute of the Middle Marche ; and SCHIR WALTER SCOT of Branxholme, kn^t ; eueryane of thame within thair awne boundis and iurisdiction,' to convocate the lieges, ' allwele to burgh as to land, regalitie as ryaltie, on horse and fute, in weirlyke maner.' This is done, in consequence of the King and Council ' heiring of the tressounable intentioun of FRANCES sumtyme ERLLE BOTHWILE, and vtheris his complices, his hienes declairit tratouris, be quhome certane cumpanyis and bandis of wageit men of weir, on horse and fute, are rasit of lait ; for executing, as appeiris, of findrie tressounable practizeis and Conspiraceis,' &c. And, ' in cais thay or any of thame flee to houffis or strentis, with power, &c., to direct their preceptis and chargeis for rendering of the saidis houffis, &c., vnder the panes of tressoun and hoirning ; the personis disobeyand, to caus denunce to the horne ; and thaireftir to Asslege the saidis houffis, raise fyre and vse all kynd of force and weirlyke ingyne, that can be had for wyning and recouerie thair of,' &c. All persons betwixt sixty and sixteen years of age, are charged ' to ryse, concur, fortifie and assist' the Commissioners.

(Mar. 29.)—PROCLAMATION, charging all the lieges within the age of sixty and sixteen, dwelling within the bounds of Edinburgh, Haddington and Linlithgow, ' allweill to burgh as to land,' &c., to repair to Edinburgh, ' vpoun Mononday nixt, the first of Aprile nixt to cum, weill bodin in feir of weir, speciallie with jakkis, steilbonnetis, speiris, or lang gwnis, with prouisioun for the space of aucht dayis eftir thair cuming ; and to remane and attend vpoun his Maiestie, or vthirwayes to pas forward, as they salbe commandit' ; ' for preventing, withstanding and repreffing of the proude and temerarious attemptatis of the saidis declairit traitouris (BOTHWELL, &c.) and vnnaturall subiectis, and persute of thame as occasioun salbe offerit.'

(Mar. 31.)—The King and Council, understanding that ‘JOHNE ERLL OF ATHOILL, accompanied with his freindis and seruandis, and vtheris his Maiesteis liegis, perswadit be him vpoun sum collourit pretens, ar to repair in weirlyke manner with all conuenient expeditioun, to the South pairtis of this realme, to joyne in cumpany and actioun with Frances sumtyme Erll Bothwill,’ &c.—Therefore, Letters are ordained to be directed, charging him ‘to dissolue his forceis and returne hame to his awne duelling place, and thair remane and contene him selff in quietnes, vndir his Maiesteis obediens.’ The lieges who had joined with him, are charged to ‘pas hame to thair awne duelling houffis, within xxiiij houris.’ A free Pardon and Remission granted to those obeying—‘thame that refuiffis to accept his hienes grace and fauour, now quhen it is offerit, and dois in the contrair heirof, falbe alsua persewit as tratouris and Conspiraturis aganis his Maiestie and his authoritie, with the lyke rigour and extremitie, without fauour.’

(Apr. 2.)—PROCLAMATION for the ‘Erllis, lordis, &c., of the Sherefdom of Perth and Steuartreis of Stratharne and Menteith,’ &c., that they, ‘weill bodin in feir of weir, with aucht dayis victuallis, addres thame selffis to meitt his Maiestie, his Lieutennent, or vtheris haueand his hienes pouer and Commiffioun, at the burgh of Stirling, vpone the fyft day of Aprile instant, for persute and withstanding of the saidis declairit tratouris,’ &c.

(Apr. 9.)—PROCLAMATION *to pass to the NORTH*, along with ‘his hienes in propir persoun, for persute, refisting and repreffing of the cheiff authouris of the tressounable Conspiraceis diuifit and maid aganis God, his treu Religioun, presentlie professit,’ &c. The ‘Erllis, baronis,’ &c. of the sherriffdoms of Fife, Kinross, Perth be-north the water of Erne, Forfar, Kincardine, to meet at Dundee on 29th April; Aberdeen, Banff, Elgin, Fores, Nairn, Inverness and Cromarty, to meet at Aberdeen on 2d May; ‘alsweill regalitie as ryaltie, togidder with the inhabitantis of burrowis, weill bodin in feir of weir, with xxx dayis prouisioun,’ &c.

(Apr. 13, *apud Brunt-Iland*.)—PROCLAMATION against ‘CAPITANE GEORGE STRANG, Capitane Robert Meluill, Mr Jerome Lindsay, sone to Mr Dauid L. Minister, Mr Johnne Murray, Dauid Orme of Mugdrum, Mr Allane Orme and Orme his bruthir, Robert Douglas, sone naturall to Schir George D., and Patrik Clapene, bruthir to the Laird of Carslogy, his Maiesteis vnnaturall and disobedient subiectis, fugitiue fra his hienes lawis, for thair tressounable assisting, intercommuning, &c., with FRANCES sumtyme ERLL BOTHUILL, and vtheris his compliceis, his Maiesteis declairit traitouris, in thair tressounable and wicked deidis; and sum of thame for raising bandis of men of weir; and vtheris for ressauing of wageis and entering vnder the charge and commandiment of thame and vtheris Capitanes and Commandaris, for seruing of the saidis tra-

touris aganis his Maiestie,' &c. The lieges are therefore discharged from furnishing them with 'meit, house nor harbory,' &c.

(*Eodem die.*)—The Magistrates of the 'Townis off the coist-syde,' find caution to appear before the King and Council, 'to ansuer to sic thingis as salbe inquirit of thame, concerning thair assistance, arte, pairt-taking, intercommoning or haueing intelligence with FRANCES sumtyme ERLI BOTHUILL,' &c., viz. 'The Magistrates of KIRKALDY, under the pane of 2000 merkis; KINGHORNE, 1000 merkis; DYSART, 2000 pundis; PITTINWEYME, 1000 merkis; CARRAILL, 500 pundis; SANCT ANDROIS, 2000 merkis; ANSTRUTHER, 1000 pundis; and COUPAIR, 500 merkis.

(Apr. 23, *apud Edinburgh.*)—Thomas Mertoun of Cammo, and Williame M. younger of Cammo, become security for HENRY LORD SINCLAIR, that he, his kin, tenants, &c., shall observe peace, quietness and good rule in the country; and in no wise invade, trouble nor pursue David Wemys of that Ilk, Johnne his son, their kin, tenants, &c.; under the pain of 10,000 merks.

(Apr. 26.)—JOHNNE ERLI OF ATHOILL to be denounced rebel, for not appearing to answer concerning his dealing and practizing with Bothwell, &c.

(Apr. 29.)—PROCLAMATION, for the lieges to be in readiness to repair to his Majesty, upon six days' warning.

(May 2.)—ANDRO LORD STEUART OF VCHILTRIE ordained to be denounced rebel, for not appearing to answer 'tuicheing his tressounable attemptattis, conspirit, practizit and putt in executioun aganis his Maiesteis persone and estate.'

Creasonably Conspiring and Trafficking against the Protestant Religion, &c.—'The Spanish Blanks.'

(Jun. 8.)—WILLIAME ERLI OF ANGUS, GEORGE ERLI OF HUNTIE, FRANCES ERLI OF ERROLL and SCHIR PATRIK GORDOUN of Auchindoun, kn^t.¹

The quhilk day, Mr David M^cGill of Cranstoun-Riddell and Mr Johnne Skene, aduocattis to our souerane lord, producit, in presence of the Kingis Maiestie and Estaitis, lyk as thay did dyuerse tymes of befor, the Summondis of Treffone, rasit and persewit at the instance of our said souerane lord and his hienes Justice, aganis the saidis Williame Erll of Angus, George Erll of Huntie, Frances Erll of Erroll and Schir Patrik Gordoun of Auchindoun knight; quhairby thay wer summond to haue comperit befor our said souerane lord, and his hienes Justice, the xvij day of Maij lastbypast, with continwatioun of dayes, to haue ansuerit to the crymes and pointis of Treffone and Lesemajestie contenit in the saidis summondis: The quhilk summondis, reffonis and caussis thairin

¹ See *Acta Parl.* 1592-3, p. 283.

contentit, being first red, in presens of the Kingis Maiestie, and in presens of the Lordis of Articles, thay fand the same summondis relevant. And thaireftir, this instant day, the same Summondis of Treffone being red in presens of the Kingis Maiestie and haill Estaitis; and the saidis thre Erllis and Laird of Auchindoun being thryse callit at the Tolbuith windo, and nane of thame comperand; the saidis haill Estaitis ffind the saidis summondis relevant; and thairfoir, thay admittit the same to the saidis aduocattis probatioun. And immediatlie thaireftir, the saidis aduocattis, for preving of the saidis Summondis of Treffone aganis the saidis [Erllis] and Lard of Auchindoun, producit, in presence of the Kingis Maiestie and haill Estaitis, the PROBATIONIS following; lyk as, thay producit the samyn probationis of befoir to the saidis Lordis of Articles, vpoun the first day of the moneth of Junij instant. IN THE FIRST, thai producit AUCHT BLANKIS, in paper; tua thairof subscryuit be the said Erll of Angus allanerlie; vther tua be the said Erll of Huntlie allanerlie; vther tua subscryuit be the said Erll of Erroll allanerlie; and vther tua be the saidis thre Erllis and Laird of Auchindoun; all fend to Spayne. Quhilkis blankis hes na designatioun on the bak, nor declaratioun of the causes for the quhilk thai wer fend, bot blank and quheit paper on baith the fydis, except the said subscriptionis.—ITEM, thai produce dyuerse and findrie seillis of the saidis Erllis, imprentit in paper, fend with Mr George Ker to Spayne; to the effect vtheris seillis nicht be maid thair conforme to the samyn, to seill the saidis blankis, efter thai fuld be fillit. Thay produce dyuerse and findrie Depositionis of Mr George Ker, subscryuit with his awin hand; with ane Missiue Lettre, writtin and subscryuit be him, vncompellit or coactit, bot of his awin frie will to the Kingis Maiestie; be the quhilk Depositionis and Lettre, the haill treffonable Trafficquing aganis the Religioun, the King, his estait and realme, is willinglie confessit and planelie declarit; and the treffonabill end and effect for the quhilk the saidis blankis and seillis wer fend, is maid manifest, viz. that thai wer fend to be fillit vp be the Counsaill of Spayne, and Mr Williame Creichtoun Jesuite, with sic forme and securitie as thai fuld deuyse, anent the sending in Scotland of monie, for lifting of men of weir and of Threttie Thowsand Spanzeardis to cum in this cuntrie, and land in the wast pairtis thairof; quhairof Fyve Thousand fuld haue remanit in this cuntrie, and beand coniunct with the saidis Erllis, fuld alter the Religioun and estait of this cuntrie.—ITEM, for preving the premisses, thay produce certane Depositionis, subscryuit be vmq^{le} David Grahame of Fintrie; conforme in all thingis to the Depositionis of the said Mr George Ker.—ITEM, thai produce the Dome of Foirfaltour gevin and pronuncit aganis the said vmq^{le} Lard of Fintrie, contenand his Depositionis and Dittay; quhilkis ar conforme in all pointis to the said first resson of the summondis, and expresse verrifies and pre-

vis the samyn : The quhilkis Treffone the said Laird of Fintrie confessit in judgement, and neur revoikit the same, bot 3eid (went) to the death thairwith, and wes justifiet and execute thairfoir.—ITEM, thay produce findrie Lettres writtin be Mr James Gordoun, vnder ane fenzeit name of James Crystesoun : And siclyk, ane Lettre writtin be Mr Robert Abercrummy, Jesuite, having ane fenzeit subscription of Robert Sandiesoun : And ane Lettre writtin and subscryuit be the said vmq^{le} Laird of Fintrie, havand ane fenzeit name of David Forrester : Quhilkis Lettres planelie previs, conforme to the premisses, the hail Treffone libellit.—ITEM, thay produce Lettres writtin be Mr James Gordoun, in faouris and commendatioun of Mr George Ker, writtin to findrie personis in Spanzie, to preif, that he was purposit to pas to Spaine with the saidis blankis : Togidder with tua Obligatiounis, subscryuit be the saidis Mr James and Robert, in the quhilk thay confess the fenzeing and mutatioun of thair awin names, quhilk lykwayis may be easelie provin *per comparationem literarum*, and be inspectioun of the saidis Obligatiounis, that Sandesoun is Abircrummy, and Crystesoun is Gordoun : And as to the fenzeit name of the said vmq^{le} Laird of Fintrie, calland him selff David Forrester, he confessit the same fals subscription and name to be his awin hand-write and name, in his Depositionis, 20th Januar 1592 ; the quhilk lykwyis is provin, *per comparationem literarum*, be the subscription of the Depositionis, and ane Lettre writtin and subscryuit with his awin hand, heirwith producit ; quhilk Lettre is direct to the Kingis Maiestie, and is repetit *in modum probationis* of the said libell.—ITEM, thai produce Lettres of Incident Diligence, quhairby the saidis Erllis, and Laird of Auchindoun, and Mr James Gordoun, and Mr Robert Abircrummy, ar summond to this Parliament, to heir and fie the subscriptionis of the saidis Blankis, and fenzeit subscriptionis, and feillis foirsaid, to be thair awin ; and being recognoscit, to preif aganis thame ; and to heir and fie all vther probatioun vfit, led and deducit aganis thame, as accordis of law : And repeitis the Depositionis of witnesses, *in quantum*, and the notorietie of thair subscriptionis and hand-write.—ITEM, becaus Mr George Ker and vmq^{le} Lard of Fintrie, Mr James Gordoun and Mr Robert Abircrummy, wer Traffiquing Papistes, trattouris and participantis of the Treffone libellit, lyk as thai ar 3it, (except the said Laird of Fintrie, quha wes execute for the same,) and thairfoir, it may be objectit that thair Depositionis fall mak na faith in this cause, the saidis aduocattis producis ane Interloquittour of the Lordis of the Sessioun, subscryuit be the Clerk of Register, ffindand thir infame personis, minoris, or personis beand fellowis or companzionis in the same cryme, may be witnesses in the causses of Treffone and heresie ; quhilk Interloquitour wes producit and practizit in the accusatioun of vmq^{le} Ewfame M^cCalzeane.—ITEM, thai produce the Sentence of Excommuniatioun aganis the personis accusit, and

also contrair Mr James Gordoun, vmq^{le} Daudid Grahame of Fintrie.—ITEM, it is of veritie, that the King and thre Estaitis of this realme, in criminall caus, hes jurisdiction and pouer of ane greit Affise, and may juge and decyde all crymes, conforme to thair consciences, and vehement presumptionis, conjectures and probabilities, quhilk may be collectit and gatherit in the causes; and speciallie, in the cryme of Treffone; as is manifest in the writtin law of this realme, callit Regiam Maiestatem, lib. 4. cap. 1. And the saidis aduocattis repetis, in forme of probatioun, the notorietie of the crymes libellit, and that of the law *sufficit allegare notorium sed non probare*, and the publict voce and fame, quhilk is ane vehement probatioun *in criminibus clandestinis*, and namelie, in the cryme of Treffone and Lefemaiestie, with the notorietie of the Treffone, and of the trafficking libellit, committit be the personis accusit at the Brig of Die, the yeir of God 1589 yeiris; ffor the quhilk, findrie of thame cum in his Maiesteis will for the samyn; quhilk is ane Confessioun of the cryme.—ITEM, thay repetit and producis ane Catalogue of fals and fenzeit names of certane Jesuittes and trafficking Papistes, contening also certane fenzeit names of the saidis Erllis, quha all did fenzie thair names, to the effect thai nicht the mair surelie and quietlie vse the treffonabill traffique libellit.—ITEM, thay produce and repeittis, that the saidis Erllis and Laird of Auchindoun, being suspect of Treffone, and chargit to enter in ward, conforme to the Act of Parliament maid be King James the Secund, disobeyit the same; and thairby hes incurrit the pane of Treffone, be refone of thair contumacie; becaus of the law, he that is *contumax* may be condampnit, for his contumacie causses him be estemit as present, and inducis aganis him ane Confessioun of the cryme L.3 . . . ‘decernimus:’ And it is of treuth, that of the law he is callit *contumax*, quha is summond to ane certane day, be ane peremptour summondis, with certificatioun, and comperis not the said day. *L. Contumacia et ibi glossa ff. de re judic.:* And for verificatioun thair of, thay produce the Kingis Lettres, with the executionis thair of; quhairby the saidis Erllis and Laird ar chargit to enter thair personis in ward.—ITEM, thay produce ane act and decreit of the Secreit Counsaill, maid at Edinburghe the aucht day of Merche last wes, with the publicatioun thair of at the mercat croce of Edinburghe, vpoun the xij day of the said moneth, the yeir of God foirsaid; ffindand and declarand, that the saidis thre Erllis and Laird of Auchindoun hes contravenit the saidis chargis, and fuld be pvnissit, estemit and accusit as Traitoris.—ITEM, To the end that the saidis Erllis and Laird of Auchindoun thair contumacie and perseuerance may be knawin, in the treffonable Treffone libellit, without ony apperance of repentance or amendement, the saidis aduocattis repeittis the manifest Treffone committit be thame and ilk ane of thame, be ressetting of certane strangeairis, traffiqueris and treffonable mwtineris and rasaris of

feditioun aganis the estait of the realme and Religioun, quha laitlie arrayvit and landit in the toun of Montroise, and ar presentlie, lyk as thay haue bene sen the tyme of thair arrayving in this realme, ressett, helpit, supportit, assistit and mantenit be the saidis thre Erllis and Lard, and euerie ane of thame, to the owerthraw and euerfioun of this realme and Religioun presentlie professit within the same.—THE saidis aduocattis repetit the haill wreittis and vtheris premisses abone mentionat, as thai ar sett doun in maner abone mentionat, with the notorietie of the deid; and that this Parliament is ane greit Assyse; sua that he, quha of his conscience can nocht clenge, he of necessitie mon fyle: And renuncit forther probatioun of the first resson of the Summondis of Foirfalture.

*SUMMONDIS of TRESSONE and FOIRFALTURE aganis the ERLIS of HUNT-
LIE, ANGUS and ERROLL, and SIR PATRIK GORDOUN of Auchindoun.*

JACOBUS Dei gratia Rex Scotorum, dilectis nostris Leoni Regi armorum, Ilay, Albanie, Ros, Rothsay, Snawdoun, Merchmont, herauldis; Roberto Stewart, Davidi Bryffone, Alexandro Douglas, Jacobo Chalmeris, clauigeris; Orment, Bute, Vnicorne, Carrik, signiferis; Joanni Blindscheillis Bute signifero, Roberto Frazer Vnicorne signifero, &c. nunciis; et eorum cuilibet, conjunctim et diuifim, vicecomitibus nostris in hac parte: Salutem. Mandamus vobis et precipimus quatenus summonetis legitime et peremptorie, coram testibus, Wilhelmum Comitem de Angus, Georgium Comitem de Huntlie, Franciscum Comitem de Erroll, Dom. Patricium Gordoun de Auchindoun militem., Conspiratores, perpetratores et celatores criminum Lese maiestatis subsequenter, personaliter si eorum personales presentias commodè habere poteritis; alioquin apud eorum loca habitationum, vel per publicam proclamationem, apud cruces forales burgorum nostrorum de Edinburghe, Hadingtoun, Lanerk, Abirdene, Perth, Bamff, &c. aliaque loca necessaria; degentes vero seu existentes extra regnum nostrum, seu nullum certum domicilium in eodem habentes, apud dictas cruces forales aliaque loca necessaria, super premonitione sexaginta dierum; sic quod hujusmodi summonitio ad eorum aures et noticiam verisimiliter peruenire poterit; quod compareant coram nobis seu Justiciario nostro, vigesimo die mensis Maij proxime sequen. in Parlamento nostro, apud Edinburgh, decimo octauo die mensis Maij predicti tenend., hora causarum continuatione dierum ad respondendum nobis nostrove Justiciario in prefato Parlamento, super proditoriis criminibus subsequenter: Dictos scilicet Guilielmum Comitem de Angus, Georgium Comitem de Huntlie, Franciscum Comitem de Errole, Dom. Patricium Gordoun de Auchindoun militem, &c., et eorum quemlibet, pro sua proditoria Conspiratione, consultatione et conclusione horrendi sceleris et facinoris ad exequendum destinati pro alteratione status regni nostri et vere Religionis inde professæ, per nos nostrosque probos et fideles legios, secundum Dei omnipotentis Verbum, per Acta Parlamenti nostri approbate, et per leges nostras confirmate: Idque presertim, in mensibus Junii, Julii, Augusti, Septembris, Octobris, Nouembris, aut eorum aliquo, anno domini 1592, in ipsorum consilijs et conventionibus cum Magistro Jacobo Gordoun et M. Roberto Abircrummy, Jesuitis et seminaris presbiteris, et cum M. Georgio Ker et quondam Dauide Grahame de Fintrie, aut eorum aliquo, excommunicatis Papistis, super literis a M. Wilhelmo Creichtoun et M. Jacobo Tyrie, Jesuitis ex Hispania, missis et directis ad prefatum M. Jacobum Gordoun: Et in ipsorum proditoria consultatione et conclusione desuper habita; in quibus declaratur, quam diligenter, et quanta cura ipsi cum Rege et consilio Hispanie elaborauerunt, pro pecunia et militibus in Scotiam deportantis, ad extremam subuersionem et alterationem Religionis nunc professæ, et invasionem regni Anglie; quod solum in hoc retardabatur, donec ex Scotia clarus quidem vir mitteretur cum literis certitudinis, et aliis vacuis cartis (lie *Blankis*), subscriptis per nobiles viros qui pro parte et nomine Catholicorum Promanorum in hoc nostro regno existentium sese obligarent et hypothecarent: Quequidem Litere (lie *Blankis*) implemen-

tur, cum auisamento dictorum M. Wilhelmi Creichtonn et M. Jacobi Tyrie, in Hispania degentium, tanquam certissima vincula, signa et fideiunctiones predict. monete et militum, extenden. ad numerum 30,000 virorum armatorum, anno predicto, intran. versus occidentalem partem hujus regni nostri, prope Kirkcubreiche vel fluuium de Clyde, prout ventus navigationi melius inferuaret. Ad cuius impij et proditorij facinoris perimpletionem, commemorate vacue Litere (lie *Blankis*) partim Latine, partim Gallice, sub diuersis formis, vna cum Literis certificationis et fidei subscripte fuerunt manibus prefatorum Wilhelmi Comitis Angusie, Georgii Comitis Huntlie, Francisci Comitis de Erroll, et D. Patricii Gordoun de Auchindoun militis palam profitentium et affirmantium se esse maiestatis regis Hispanie (ad quem iste Litere mittebantur) humillimos et maxime obedientes seruitores: Quod ipsorum factum prodicionis predictae manifeste eos arguit, quod tum natura et fide sint nobis suo Regi obligati (ad quem hujusmodi Litere vacue non erant missae) ligeantiam et fidelitatem nobis debitam proditori dissoluerunt, et alieno et peregrino Regi, sine nostro concensu, fidem suam obstrinxerint; et literas vacuas ipsorum manibus subscriptas ad eum miserunt, in quibus scribi et impleri potuit per eum et eius consilium quicquid ipsis visum esset quod posset esse nocuum et detrimentosum nobis, nostre auctoritati regie, regno nostro et subditis; quo ipsorum facto, nihil magis proditorium fieri et excogitari ab illis potuit. Postea eodem Litere (lie *Blankis*) ad effectum superscriptum tradite et deliberate fuerunt, in mense . . . anno domini 1592, dicto M. (Georgio) Ker, vna cum variis et diuersis sigillis dictorum comitum cere impressis: Quiquidem M. Georgius trans mare in Hispaniam nauigaturus, ad hoc sceleratum opus exequend. electus fuit; idemque negotium in se libenter suscepit, et iter ingressus ad Cumbram Insulam vsque peruenit; cum plenaria commissione personarum supermentionat.; onus in se acceptantium pro omnibus aliis sue factionis hominibus Catholicis Romanis, ad sedulo laborandum pro pecunia et militibus recuperandis; cum ipsorum fideli permissione ad preparandum sese suosque viros et equites armatos, quo ad dicta pecunia extendere et satisfacere valuerit; qui certo expectarent adventum et introitum dictorum Hispanorum militum, deducerentque maiorem numerum eorundem in Angliam, pro euerfione eiusdem et Religionis ibi professae: Et quorum Hispanorum 5000 infra hoc nostrum regnum pro perpetuo residerent, cum quibus antenominates proditores, degenerati nobiles et hujusmodi omnes Papiste Catholici illius secte in hoc nostro regno degentes sese conjungerent, pro alteratione status eiusdem, et Religionis nunc professae; quorum qui alterutrum euerit vtrumque euerit, cum inter se ita sunt conjuncta vt vno pereunte alterum perire sit necesse; et exaltatione missarum et Catholice Romane professionis, ad euidentis periculum et detrimentum nostre regie persone, disturbance pacis regni nostri, et alterationem vniuersi status eiusdem. Committendo inde nefandam et manifestissimam Proditionem, contra Deum nostrum omnipotentem, nos, auctoritatem nostram regiam et leges. Ideoque antenominatos Guilielmum Angusie Comitem, Georgium Huntlie Comitem, Franciscum Errolie Comitem, D. Patricium Gordoun de Auchindoun, militem, &c., ad videndum et audiendum sese et eorum quemlibet, intuitu premissorum, crimen Lese Majestatis incurrisse, per nos et trium regni nostri statuum decretum decerni et declarari: Et propterea, bona, (mobilia,) et immobilia, tam terras quam officia aliasque res ad eos spectantes nobis confiscari, et pro perpetuo nobiscum in proprietate remanere; personasque suas penas Proditionis et vltimi supplicii a regni nostri legibus inflictas subire: Ac vltius, in permisso respondend. et juri parend: Intimando superscriptis Conspiratoribus et eorum cuilibet, quod siue dictis die et loco cum continuatione dierum comparuerint siue non, nos, dictusque noster Justiciarius in premissis, iusticia mediante, procedemus et procedet. Insuper, citetis, &c., ad comparendum coram nobis nostrove Justiciario dictis die et loco, hora causarum, cum continuatione dierum, ad perhibendum fidele testimonium in causa predicta, sub pena legis; et presentes literas debite executas et indorsitas earundem latori reddatis. Et vos qui presentes executi fueritis sitis ibidem, dictis die et loco, coram nobis nostrove Justiciario, portan. vobiscum summationis vestre testimonium in scriptis pro premissis, seu ipsos testes: Ad quod faciend. vobis et vestrum cuilibet coniunctim et diuisim vicecomitibus nostris in hac parte committimus potestatem: Datum sub testimonio nostri magni sigilli, apud Edinburgh, decimo nono die mensis Marcii, 1593, et regni nostri vigesimo septimo.

THE quhilk Summondis, with the executionis and indorsationis thair of *respectiue* foirfaidis, being this instant day red, in presens of his Maiestie and haill Estaitis of Parliament, first in Latyne and syne in Scottis, and the saidis Williame Erle of Angus, George Erle of Huntlie, Francis Erle of Arroll and Schir Patrik Gordoun of Auchindoun kny^t, being oftymes callit of new, at the Tolbuyth vyndow of the said burgh of Edinburghe, to haif comperit and anfuert to the said summondis and reffone contenit thairin; and thai nocht comperand, to haif defendit in the said mater, and to haif anfuert to the said summondis; the saidis Aduocatis desyrit the saidis Estaitis declaratioun, gif the reffoun of the said summondis wer releuant aganis the saidis thrie Erlis and Schir Patrik Gordoun of Auchindoun kny^t. Quhilkis Estaitis, all with ane voce, fund the famin releuant aganis thame: Thairfoir, the saidis Aduocatis, of new, for verefeing of the said reffoun contenit in the said Summondis of Treffoune, producit and repetit the haill aucht Blankis, in paper; twa thair of subscrivit be the said Erle of Angus allanerlie; vther twa be the said Erle of Huntlie allanerlie; vther twa subscrivit be the said Erle of Arroll allanerlie; and vther twa subscrivit be the saidis Erlis and Lard of Auchindoune; all fend to Spane: And als repetit the haill vther probationis repetit be him of befoir in the said mater, this instant day; and desyrit the saidis Estaitis of Parliament to advyis the probatiounis foirfaidis led and deducit in the said mater, and to pronounce thair sentence of Parliament thairintill, according to the famin probationis and thair consciences. And thairefter, the haill writtis and probationis, being red, sene and considerit be the haill Estaitis of Parliament, in presens of the Kingis Maiestie, and thai thairvithe being rypelie advyfit, the saidis Lordis and Estaitis of Parliament ffindis, decernis and declaris, that the saidis Williame Erle of Angus, George Erle of Huntlie, Francis Erle of Eroll and Schir Patrik Gordoune of Auchindoun kny^t, hes committit and done oppin and manifest Treffoune aganis our said fouerane lord, in all poyntis, articlis and maner contenit in the said Summondis. And thairfoir, it was gevin for Dome be the mouthe of James Nesbet dempster of Parliament, in maner and forme as followis.

DOME of FOIRFALTOUR. This Court of Parliament schawis for law, that the saidis Williame sumtyme Erle of Anguis, George sumtyme (Erle) of Huntlie, Francis sumtyme Erle of Eroll and Schir Patrik Gordoune sumtyme of Auchindoun kny^t, and ilk ane of thame, hes committit and incurrit the speciall cryme of Treffoun and Lesemaiestie abonewrittin, the tymis and in maner at lengthe contenit in the reffoun of the said Summondis of Treffoune: And thairfoir, decernis and declaris all thair gudis, moveable and vnmouable, alsweill landis as officis, and vtheris thingis qvhatsumewir belonging to thame, to be confiscat to our fouerane lord, and to remane perpetuallie with his hienes in propertie, in tyme cumming; and thair personis to vnderly the panis of Treffoune

and vtter pwnifhement, appoyntit be the lawis of this realme : And this I gif for Dome.

The interest which must be felt by all in the mysterious story of 'the Scottish Blanks,' induces the Editor to give an accurate reprint of an extremely rare Tract, published under the immediate authority and revision of the King and Privy Council of Scotland, which he is fortunate enough to have in his own Collection. The original is marked, 'ex Pamphletis Roberti Mylne scribæ,' a well-known Collector of Tracts, illustrative of the History of Scotland, who died Dec. 21, 1747, at the very advanced age of 105; having 'enjoyed his sight, and the exercise of his understanding, till a little before his death.'¹ The same Tract was reprinted under the direction of Queen Elizabeth's Council; but unluckily, it is 'done into English,' and is otherwise inaccurately edited. It bears for imprint on the title-page, 'London, Printed by R. F. for John Norton. 1593.'

A DISCOVERIE

OF THE VNNATURALL AND TRAITEROUS CONSPIRACIE OF SCOTTISCH PAPISTES, against God, his Kirk, their natie Cuntry, the Kingis Maiesties persone and estate. Set downe as it was confessed and subscribed bee M. George Ker, yit remaining in Prifon, and David Grahame of Fentrie, iustly executed for his Treason, in Edinburgh, the 15 of Februarie 1592. Wherevnto are annexed, certaine intercepted Letters, written by fundrie of that faction, to the same purpose.

Printed and published at the speciall command of the Kingis Majestie.

AT EDINBURGH,

PRINTED BY ROBERT WALDEGRAVE, Printer to the Kingis Majestie.

Cum privilegio Regali.

TO THE READER.



ANIE and dangerous poynts (good Reader) of vnnaturall and treasonable practises of Scottish Papiſts, or (as they will needes be ſtyled) Catholicke Romans, againſt God, his Kirk, their natie Country and the Kinges Maieſties eſtate and perſone, beeing diſcovered by Godes great and mercifull providence, partly by the depositions and confeſſions of ſome of the practiſers themſelves, and namly, Maſter George Ker, who for that cauſe is imprifoned, and David Grahame of Fentrie, juſtly execute for the ſame alſo, in Edinburgh the 15. of Februaire 1592, and partly by diuerſe letters of fundrie of the practiſers, intercepted at diuerſe tims. It is thought good by the Kings Maieſtie,

¹ See Scots Magazine, 1747, and British Magazine, or London and Edinburgh Intelligencer, for 1747.

and his honourable Counsell, that the most substantiall poynts of the said depositions, shuld be faithfully taken out of the originals, which were deponed and confessed by the saide M. George, and David Grahame of Fentrie, before the honourable persons depute by the Kings Majestie, and his hienes Counsell to that effect, and subscribed with their own hands; and for the greater ease of the memory of the reader, should be summarly gathered into this forme following, which otherwise were scattered here and there in their depositions, according to the occasion of the diverse demands at diverse dyats: for the readier taking vp whereof, the times of the depositions and persons deponers, severally and coniunctly as the matter craveth, should be set down in marginal quotationes: As also, that some of the most remarkable letters of the practisers, should be joyned herunto word by word, quhilkis were intercepted with Maister George Ker, and the rest decyphered and translated as after shall appeare; and so the whole together to be imprinted, and set forth vnto the view of the world, to the glory of Gods Majestie (the only revealer of these secrets), to the comfort and edification of his Kirk, and the perpetuall detection and shame of the vnnaturall enemye. Al quhilk things are so faithfullie done in this volume following, that no man how impudent so ever he be, can iustly chaleng it with any falsifying, forging, or changing one thing for another, to the wresting of the original depositions, in any the least substantiall part therof, as by conferring this extract with the first records which are in the Clerks hands, most evidently shall appear, if any list to looke vpon them. Thou art therefore (good Reader) gretly to consider the goodnes of our God in this cace, so watchfull over his Kirk, for the good and safetie thereof, by discovering sik deep and dangerous practises of the deadly enemye, euen then, when as we thinking nothing lesse, ar redy to be surprised by their cloffe courses so cunningly and craftily conveyed: as we may well say with the Prophet, our soule is escaped, euen as a bird out of the snare of the Fowlers, &c. As also, thou art to be wakened vp, to the eirnest consideration of the diligence force and crueltie of our enemies (quhilk yet is nothing abated, but more eager presently than ever hertofore to atchieu their deuellish intent) and no waies to trust them or be secure, as though they wer sleeping and minding no danger to vs, while in the meane time, so deeply and deadly they conspire within and without, with so great force and craft against our Religion, landes, and lives, that they dare be bold in their pride, to assure the Spainzeard of no resistance heir to their cruell interprise, as by their awin bragging words hereafter in their Letters evidently shall appeir: yea, all kindly native Scottish men, and true louers of the Christian religion, ought spedily and substantially to concur, to the withstanding and overthrowing of this our common enemye, within our awin bowels; whose vnnaturalnes, barbarity and hie attempt, can be matched with no example domestick or forraine that we read off, whether we consider the cruell barbarousnesse of the Spainzeards to whom they have sold their cuntry, King and people, (wherof let the monument written by one of their awin Fryers against the Spanish cruelty, besid experience, whereuer they are masters, be a witnes,) or whether we consider their most deceitful dealing, covering their most bloody purposes with cloake of most tender friendship, quhilk most closely they have counterfeited, by subscription to the true Religion, by hearing of the worde preached, and common profession thereof with vs, and participation of the Sacraments, by bandes, finally affinities, othes, and al attestations and lawes sacred and humane, that might seeme to procure credite amongst men, and many other things to bee enlarged in time and place, as mens callings in Kirke and policy craues: Consider, and consider again (good Reader) what shoud be the estate of all honest and godly men, their wiues and daughters: the estate of Kirk, common weale and Prince, yea and of these miserable wretches themselves, if their purpose to make the Spanzard our master (for no man seruant nor fellow will that proud beast be) shuld tak effect: O miserie, miserie, miserie vnspeakable, especially to themselves, if their wofull purpose succede to their minde and farre proceeded practises. Wherefore yet again, it is hie time and more, that all good men and lovers of their native Cuntie be wakened vp to true repentance to the Lord, who so heauily threateneth, and in a part already striketh: and to a diligent and substantiall

concurring, every one according to his calling and place, both in land and Burgh, to withstand these desperate attempts before they passe remedy, and tymely to prevent the farther danger, by assisting the execution of Iustice vpon the rest of the detected traitors, without respect of persons; that so wee, labouring to take evill out of Israel, the Lord who hath so notabilly begun the work, may bring it to an happy end, to his glory and our comforts, through Christ our Lord. Amen.

* * *

A DISCOVERSE of the vnnatvrall and traiterovs practises of THE SCOTISH PAPISTS, against God, his Kirke, their native Country, and the Kings Majesties person and estate.

BY the Confessions and depositions of Master George Ker, and David Grahame of Fentry. It is discovered, That in March, 1591, Master William Chrichtoun (who hath remained these two yeares bygone in Spaine) sent to Master James Gordoun, Iesuiste, father-brother to George now Earle of Huntly, ane gentle man called Master William Gordoun, sonne to the Laird of Aberzeldie, with letters, to let the Catholickes heere vnderstand, what travell Master William Crichtoun had tane with the King of Spain since his comming there: And that the said King had opened to him, that he had bene deceived by Englishmen, and wold from that time forth embrace the advise and way which the said Master William wold shew him, both for invading of England, and alteration of Religion within this realme. And for that purpose, the said Master William craved by this gentleman, to be sent to him so many blanks and procurations, as could bee had of noblemen here, for the assurance of his trafficke.

Vpon the sight and refate of the which blankes, sent with some other discreet gentleman, hauing the noblemens commission, to be filled vp with such conditions as shuld be capitulat and aggried vpon betwix the King of Spain, and Master William Crichton, quhilkis fuld haue servit as pledgis and firties for the subscribers part, at the landing heir of the Spanisch armie. It wes concludit, that thair fuld have bein sent out of Spain, about the latter end of the spring, in this present yeir, 1592, an armie of thritty thousand men, to have landed either at Kirkcudbright or at the mouth of Clyde, according to the opportunitie of the wind, quhair thay fuld have intrinschit and fortifeit thame selfis, for the assurance of thame and thair schippis.

And first of all, money fuld have bein sent to the Catholikes heir, for raising of forces to supplie the said armie: Quhair of foure or five thousand fuld have remainit within this Cuntry, quha with the fortification and assistance of the noble men, Catholikes, thair friends, and sik vther forces as the Spanish money wald raise, fuld haue immediatly after thair landing, begun to alter thair Religion, presently profest within this realm, or at lest procuret libertie of conscience, and Papistry to haue bein erected heir: And the rest of the armie fuld have past toward England the neereft way, fra their landing to the bordour.

Deponed bee
M. George Ker,
3, 5 & 6 of Feb.
1592.

Deponed bee
M. George Ker,
3, 5 & 6 of Feb.
1592.

And deponed be
David Grahame
of Fentry, the
13 of Feb. 1592.

Deponed bee
M. George Ker,
3 of Feb 1592

Deponed bee
M. George Ker,
3 Feb. 1592,
and be Fentry,
14 of Feb. 1592.

Deponed be
Fentry, 13 of
Feb. 1592.

Deponed be
M. George Ker,
3 Feb. 1592.

Deponed be
Fentry, 13 of
Feb. 1592.

Thir Letters sent fra Master William Criehton, beeing concredite be Master James Gordoun to Master Robert Abercumby, wer shawin be him to David Grahame of Fentry, at Abernethie, in Aprill, 1592.

Deponed be
David Grahame
of Fentry, the
13 of Feb. 1592.

And for effectuating of this mater, it wes anis thocht maift convenient that Schir James Chesholm, quha then wes an of his Majesties master houshaldis, fuld haue gone to Spaine with this Commiffion, in respect he was vtherwise bownit, towardis his vncle Master William Chesholme (callit Bishop of Dunblane), for Schir James had the first credeit of this erand with the nobill men; as he declarit to David Grahame of Fentry, that hee had delt with the Erlis of Huntly and Erroll, and conferrit with Master George Ker, anent this turne, about the time of the last Parliament, haldin in Edinburgh in Junii, 1592, as alswa, intercommuned again in his awin house with the same Master George in October, 1592, tuiching the haill heidis of this despatch. Bot Schir James, not being abill to be sa foone reddy, and Master George Ker being bownit of the country, it wes thocht best that the same Commiffion fuld be geven to him, and that he fuld vndertak the carrying of the said Letteris: And swa hee wes employed in that erand, the rather, becaufe baith his gud-dames were Criehtons.

Deponed be
Fentry, 13 Feb.
1592.

Thairefter, Master George beeing bownit to this jorney, and reddy to mak sail out of the Fairly-raide, at the west sey bank, upon the 27th of December, 1592. Then (be Gods providence) the said Master Georg was apprehended in the Ile of Cumray, and with him thair wes interceptit fundrie missive Letters directit to this purpose. Amongis quhilk, thair wes aught blankis, quhairof one is subscrivit,

*De vostre Majestie tres humble
et tres obesant serviteur,*

GUILLAME COMPTE DE ANGUS.

Ane vther blanke is subscrivit,

*De vostre Majestie tres humble
et tres obesant serviteur,*

FRANCOYSE COMPTE DE ERROLL.

Deponed be
M. George Ker,
3 Feb. 1592.

And thir twa blankis were baith procurit of thame, be Schir James Chesholme, in their awin ludgeingis in Edinburgh, at the time of the last Parliament, in Junii 1592.

An vther blanke is subscrivit,

GULIELMUS ANGUSIÆ COMES.

Deponed be Fen-
trie, 13 of Feb.
1592.

Deponed be
M. George Ker,
3 Feb. 1592.

An vther blanke is subscrivit,

Which were baith procurit of thame be Master Robert Abircrumby, quha was the chieftest travellair in that matter, in October 1592.

An other blanke is subscribed,

GEORGIUS COMES DE HUNTLIE.

And an other is subscribed,

GEORGIUS COMES DE HUNTLIE.

Which were both, with the whole blanks, proponed first to the Erle of Huntly, by Master George Ker in Strathbogy, at his passing there.

Deponed be
M. George Ker,
3 Feb. 1592.

Which fix severall blanks before specified, shuld have bene all filled with missive letters, by the advyse of Master William Creichton.

Deponed be
M. George Ker,
3 Feb. 1592 ;
and be Fentry,
3 of Feb. 1592.

And the other two blankes, making out the number of eight, were both subscribed in the mids of two open throghs of paper in this maner,

GULLIELMUS ANGUSSIE COMES.

GEORGIUS COMES DE HUNTLY.

FRANCISCUS ERROLLIE COMES.

PATRICIUS GORDOUN DE AUCHINDOUN MILES.

Which two last blankes were first subscribed by the Erle of Huntly, and Patrike Gordoun, in October, 1592. And thereafter, beeing sent with Master Robert Abercromby to the Earles of Angus and Erroll, were subscribed by them in the same moneth of October, 1592. And these two blanks shuld have bene

Deponed be M.
Georg Ker, 5
Feb. 1592.

filled vp with procurations, and whatsoever shuld have bene thought meet by the said Master William Criehton, for the avowance of that which Master George Ker had in direction and credite of the subscribers ; which credite he resaved fra the Earle of Huntlie, be the report of Master James Gordoun, and fra the Erles of Angus and Erroll, by thame selfis in Edinburgh, in the beginning of October, 1592.

Deponed be M.
Georg Ker, 5
Feb. 1592.

And the summe of this his credeit, was an assurance that thir nobill men shuld raise an power of horsmen, and meit the Spanish armie at thir landing, and reciprockly to assist, accompanie and convoy thame in their passing to England, be all the forces thay culd procure vpon the King of Spains charges : And thir nobill men subscribers tooke the burding on thame, and interponit their bandis, for the concurrance of the hail Catholikes of Scotland in this cause ; and thocht it meit amangis thame selfis, for the better secrecie, that nane vther shuld be crauit to binde, for this erand, but thay three.

Deponed be M.
Georg Ker, 5 &
6 Feb. 1592.

With thir aught blankis, subscribed as said is, there wes interceptit stampis in wax ; of the Erl of Angus seilles of armes, fax ; of the Erle of Huntleys seils of armes, foure ; and of the Erle of Errols seillis of armes, three.

David Grahame of Fentry deponit, that he met fundrie times, sen this purpose wes in hand, with Master Robert Abircromby ; as namely, that the first knowledg hee had of this purpose, was be the said Mr Robert, in Dumfermling ; and thairafter in the Castle of Striviling, before Mr George Ker his preparation

Deponed be Fentry
13 of Feb.
1592.

Deponed be Fentry
14 of Feb.
1592.

to his Iornay, quhair Maister Robert shew him, that this Commiffion wes to be given to the said Maister George, to cause fill the blankis with Maister William Creichtouns aduise, and that hee was to deliver the same blankis, with the vther Letters, to him who was to depart and carrie with him all this message.

Like as, the saids blankis and Letteris, quhilkes were procurit for that erand, were all delivered by Mr Iames Gordoun and Maister Robert Abircrumby to Maister George Ker, to bee carryit bee him to Maister William Creichton, Iesuist; and to bee filled vp, at the discretioun and direction of the said Maister William, and of Maister Iames Tyrie, quha wes best acquainted with the effairis thair.

FOR the vnderstanding of the borrowit and counterfait names that occurs in the Letters following (good Reader,) thou fall finde thame interpret on the margent, quhair thay are poyntit out by this mark;* quhil kin-terpretations are contained in the originall depositiouns of the practifars, and in some of thair interceptit Letters.

A LETTER directed from an English Iesuist, and intercepted with Maister George Kerr, the 27 of December, 1592.

GOOD FATHER, the inclosed to my Lord, I pray you reid and take it as writen to your self: Quhat I writ to him, I writ to you; quhat I crave of him, I crave of you; quhat I hop of him, I hope of you; as of my patron and pedagog *in spiritualibus*, as of a man, whose discretioun and moderatioun I haue well experimented, in all cases and at all times. If I had so farre ouerlashed and gon besid my compas, as some good fellowes wald imagine, yet I wonder, that some good men, haith in their owne conceits, and vther meanis spirituall, will admit no excuse, no satisfaction, no purgation; quhen Saint Paul, to the Galatians, in most evident delites, settis downe this reull amongs the perfect and spirituall: *Fratres, et si prae occupatus fuerit homo in aliquo delicto, vos qui spirituales estis, huiusmodi instruite in spiritu lenitatis, considerans teipsum, ne & tu tenteris.* If I had spoken with you, at my last beeing in Italie, as I well hoped, I had perhaps made a better conclusion of my busiennesse thaire, then I did to my awin content, and al my friendis satisfaction, quhilk hop for all these stormes. I will never give over, and quhen I leaue by your meanis, to be vnder the gude habering, I will writ to you of that subject. The Lord Seytoun, in quhais house I sojorn sometimes, salutis you. Of the effaires of the Catholikes heir, I leaue it to them to write and relate, by quhais meanis these Letters shalbe convoyit. My Lord Seyton hath ane hauen of his awin, quhilke may be hereafter very commodious for our missions. Commend me I pray you to F. Barth, Pere, &c. Maister Dudley Ilper, knight, and Iohn Thules, quhilk vpon some sudden pufches of persecution, mak their repair hither, ar in health, and fa-

lute 3ow. And Master Syall, a Priest, dyed heir lately in Edinburgh. Love me, and pray for mee, I beseik 3ow all, *solito*. And if 3ow send ony into these partis, let thame come furnished with all ample faculties as 3ow may; let them inquire for one M. Ionas, quhilke will bee a token betuix vs. Our Lord bleffe and send vs to meit anis or we die. Seyton, this 2. of October, 1592.

Your ever most assured, JOHN CECILIO.

Blanke on the back.

A LETTER directit from the Erll of Angus, all writen and subscribed with his awin hand, intercepted with M. George Ker, the 27 of December, 1592.

MY maist affectioned commendationes premitit, this present is only to know of 3our welfare and friendis, and of the estate of maters where 3e remaine, and to be ane testimonie of my gud affection towards you. For God be praised, if you were in this country, I could do you greater pleasure nor I was able to do before, albeit gude will inlaikd not at na time, as 3e know. The present bearer can in-
forme 3ou of sik things as occurres with vs; for we are heir dayly subject to alteration. Ye may credite him as my selfe, for so his vertewis dois merite. It is not needfull I trouble 3ow with his recommendation, feing he is to 3ow that he is to me; 3ee know his honestie and good intention, and the causes of his parting; to quhais sufficiencie referring the rest, my hartie salutations, and my bedfellows, with al our companie, 3oung and ald, remembrit vnto you and your gude company, commits you with tham to the protection of God. Edinburgh, the tenth of October, after our compt, 1592.

Yours ever at power, ANGUS.

Blanke on the backe.

A LETTER direct from M. James Gordoun to M. William Crichtoun, intercepted with M. George Ker the 27 of December, 1592.

To M. William Crichtoun.

TRAIST friend, after maist hartly commendatiouns, your friends that ar heir
hath directit this present bearer to you, for full resolution of all your effairs in thir quarters: We have delayit over lang, I grant, but he will shew you the cause of all. The next best is, ye vse al expedition in time comming, against the next somer, vtherwayis ye will tyne credite heir with your factours. If ye come, ye will finde ma friendis nor ever ye had, but vtherwise ye wil find fewar; because the next somer many ar bownit to vther countries, and will not abid on you na langer: Haift hame heir sum word to your friends, that we may put tham in gude hope of 3ou, and thay wil tary the langer. The bearer is an honest man, and verie sufficient; ye may credite him as my selfe. I fuld haue cummit with him my selfe, wer it not I wes perswadit that ye wald remain on our answere; and because I got an stop out of Flanders. As the bearer can shew you, yee
haue gotten all that ye desirrit, thairfore mak haift. The bearer is cummit to

Relative to the blankes.

you on his awin charge, therefore ye mon have respect to him. The last bearer that ye fend, cam heir behind the hand, and hath gottin na satisfaction as zit; because nathing could be gottin heir, and we culd find na man but this, that wald passe on his awin charg; and I feare, that if hee had not come on his awin expensis, ye fuld not haue refavit answere sa soone; therefore ye fuld treate him the better. Wee will abide heir your selfe schortly, and I wald ye broght the rest of your friends with you that ar beyond sea; for if your block passes fordward, they mon be also present, vtherwise we mon cum and visit you. All vther effaires of this country, I will commit to the bearer, quha is faithful. Your wife and your bairnes commendis thame to you, and luikes to se you shortly. If I or Sandefoun, your friende, refauis ony silver fra the bearer, ye shall be advertist be an vther tikket, how mekle it is, and subscrivit with baith our handis. The rest I will referre to the bearer. God preserve you from all evill. At Dundie the 20 of November, 1592.

The Spanisch armie.

The Catholick Romanes and their confederates.

M. Robert Abircrumby.

M. James Gordoun.

M. William Creichtoun.

Yours maist affectioned at all his power, I. CHRISTESON.

Direct on the back,

To his assured friende, George Craufurd.

A LETTER directit, fra M. Robert Abircrumby, to M. William Creichtoun, interceptit with M. George Ker, the 27 of December, 1592.

EFTER my dew and humble salutations and offer of service, I regrate and lamentis havily, the sleuth and negligence your merchands hes vfit, in answering of your last suit ye proponit to thame. For appearandly, if they had made answer in due tyme our wares had bein heir in due time, with our great profite and consolation. The stay and stop of the matter appeirandly was lacke of expensis, that na man wald of his own charge, take that viage in hand; yea, some cravit a thousand crownes for his expensis. Swa the mater was anis halely given over, and almost clein forzet, vntill it pleasit God of his divine Providence to stirre vp this bearer, to take the turn in hand on his awin expensis: As hee hes bein ever bent in that cause, not only to spend his gudis, but alswa the thing that is mair deir to him, that is, his life: thairfoir, I thinke hee fuld be the mair acceptable, as also for the affinitie of bluid: for baith his guddames was Creichtouns. And as for witte and abilitie, of treating of they effaires, he is not inferior to nane of your merchands quhilk ye desyrit, as ye wil persave be experience, God willing. And albeit that he, of his couragious liberalitie and zeal to the cause, hes tane the mater in hand, on his awin charges, yet all your friends in these quarters thinkes it very reasonable, that all fuld be refounded to him againe, *Cum vsura*, with promotion, till ony vther accident fuld fall out, for the well and furtherance of this cause, &c. But nowe I will say an word of him, and syn com to sum vther purpois of our own. If I had an thousand tongues,

with as many mouthes, with Cicerois eloquence, I cannot be worthie enough in commendation of this gentillman to you and al your companie : As I fall let you vnderstand, God willing, if ever we fall chance to meit face for face ; and thairfore, whensoever ye may, prevent him with ony benefit, either be your self or any other. Abide not quhill hee crave it at you, for hee is the worst asker in his awin cause that ever yee converst with. *Sed nunc ad alia.* If ye be right remembrit, at your departing out of this, ye gave Master Iames Mackartnay an procuratory, to intrommit with Master Alexander Homes litill leving, hee hes heir in East Lowthiane ; the quhilk he pedit and obtenit in law, and tuke vp yeirly rentis thair of to his awin behuif, and givis his nane of it. In this meane time, there falles out like cummirs tuichin that land, that we ar able to lose the hail ware first. The said Master Alexanderis narrest friendis and aires hes in iudgement prooved him to be deid, and swa enteris aires to him. By this, the Laird of Spot his ovirlord is forfeitit, and swa the land wardis ; swa that we are able to tyne all, if remedie bee not found. Quhairfore, falling in consultation with Master Alexander King, he thocht best to sell the land to him, and we to vse the silver on an mair sure maner, of the quhilk ye fall refaue sum wrytings* from this bearer, the quhilks ye will vnderstand better nor I. Only I thinke if forme of moyan bee not vfit, we fall lose all, and better is to haue sum thing nor lose all. As to the price, set ye it downe, for he hes mentioned nane as yet ; but hee will give als meekle as any vther, becaufe, as hee saies, hee hes sum land ly- and contigue to it. I pray yow for an hastie answeire of this. I doubt not but yae have heard how thay young men, quhais faithers was flane bee the Laird of Ruthvenis, slew him againe, quhais lady is mariet to one Iames Reid. Camnay is come in the Constables handis, and your nevoy is private of it ; and that be the moyan, I trow, of Abraham your brother, but your Maich is litill better nor beggand. Drumkilbo is dead, and Thomas Tyrie is tutour. I pray you advertise mee bee what manner Master Stevin Wilfoun hes commit bee my Lord Levingstouns obligation, the quhilk ye had of the fourtie crounes, his L. was owin you ; for master Stevin hes gotten these fourtie crounes randerin the obligation quhilke yee had : I durst never make mentioun of the hundreth crounes fra the father, and forty crounes fra the sonne, quhilk ye left mee power to crave, &c. My Lord Levingstoun is departed of this world. ye heard befor, that David Forester* had ane sonne, and now hes ane other borne in the Castle of Striviling, quhair he is in waird, hardly handlit. Thair is but ane of our nobilitie heere, quhilk hes of the K. of Spaine, ane pension well payit of twelve hundreth crownis. The quhilks appearandly are evill bestowit : For hee nor nane of his, as yet, hes never done ony kinde of good, in the promotion of the Kingis matters ; quhairfore like pensiones were better bestowed on vthers, quha travells dayly and hourly, putting in hazard baith thair goodes and lives, as this

The hyperbolical and ridiculous commendation of M. George Ker.

Thir writtis interceptit with the rest, ane chartour and obligation to be past by M. Alexander Home of Palywel to M. Alexander King his aires and assignays of foure husband landis in the Lord-schip of Spott, with a missive letter direct bee him to that effect.

David Grahame of Fentrie.

Envy amangis the Papists thameselfis.

bearer hes done and dayly dois : and vthers, as he can shew yow, &c. Because I haue na vther thing to write, and haue bein lang eneugh, I commend mee to your prayers, and you to God. At Scotland, the 15 of December, 1592.

M. Robert Abir-
crumby.
M. William
Criehtoun.

Yours at his power,

ROBERT SANDESOUN.*

Direct on the back,

To his traist friende, GEORGE CRAUFURD.

A LETTER directed to the King of Spaine, bee three noblemen of Scotland, quhairof twa hes senfyne returned to the professioun and defence of the treuth, bee thair aithes and subscriptions, quhairefore thair names are suppressed; the third his name expresse, (to witte the Earle of Huntlie,) because he continues as zit in his former wicked course. This letter, written by thame in name of the Catholicke noblemen of Scotland, cyphered in French, was intercepted in Januarie 1589, lately before the time of the Raide of the Brig of Die, thair-
after was decyphered word by word, and translatit in Scottis, as followes :

They are sorry
that the Spanisch
flete past by,
without landing
in Scotland.

SIR, wee cannot sufficiently expresse bee speach, the great regrait wee have confavit, being frustrate of the helpe we haue so long had to see, this year past, the desired affects fall out, quhilke we attended of your Majesties preparations. And our displeasure hes beene sa mekle the greiter, that your armie navall fuld haue passed by sa neir vs, vnvisiting vs, quha expectit the same with sufficient forces, for the peaceable recept and assisting thereof, against all enemies; in like sort, that it fuld haue had na resistance in this country, and with our support, fuld haue given anugh adoe to England. At least, gif it had cummit heir to refresch it, it had preserved a number of veschels and men, quhilk we know have perished neir our Iles and vpon the coast of Ireland: And had discovered an incredible number of friends, in full reddinesse to haue run the same fortune with it, in like sort, as wee dare well affirme, it fuld not haue founde half sa many men in England, for all that is spoken by the Englisch Catholikes refugit there; quha by emulation, or rather bee ane vnchristian envie, extenuats ouer farre our meanes to aid yow, to magnifie thair awin only, and make themselvis to bee estemit able to doe all; to advance thameselvis thairby in credeit with your Majestie and sik as are about you; but by experience of this year past, hath sufficiently testified, they haue not schawin themselvis, in sik number, to assist your forces, as we haue done. And therefore your Majestie, as maist wise as yee are, shall, gif it pleis you, mak sick accompt of the ane, as yee neglect not the vther, and sa serve you with them baith, to the end 3e pretend, with hazarding your forces for the particular of the ane or the vther. We remit to the declaration of some of your awin subjects that hes beene heir, the commodities and advantages of landing in thir partes, quhair the expensis bestowit vpon the equippage of an Galliaffe, fall bring mair fruite to your service, than ye may haue of ten vpon the sey. And wee may assure your Majestie, that having anis fax thou-

The Spanyard
should haue had
gret assistance
in Scotland.

They haue in-
formit the K. of
Spanis subjects
wrakit heir of
the meanis to
doegude beland-
ing in Scotland.

land men heir of your owne, with money, ye may lift heir forces of this country, as freely as in Spaine, quha will serve yow na lesse faithfully than your owne naturall subjects. And albeit wee can not, without blame of presumption, giue your Majestie avise in your effairs thair: Alwayes in that, that may concerne your service heir, wee speak mair freely, as being vpon the place, and knowing by the ordinary experience, mony things vnknawin to ony of yours that are not heir. The overlate arrivall of your armie in our watters, tuke from it the commodities to reteir it selfe in sik safetie, as it might haue done cuming soonar, be reason of the great winds that are ordinar heir in harvest: as alswa lacke of pylottis experimented vpon the coastes of Scotland, England and Ireland, appears to have bred great harme to the said armie; quhairvnto wee culd have remedie concerning Scotlands, to have sent pilotts from this, gif it had likit your Majestie to have servit your selfe with thame. Likewise, (saying better advise,) it seems to vs altogidder vnprofitable to fight the armie bee sea, gif it may be eschewit, for mony causes: And amangis vthers, because like as fall haue fochten by sea, salbe vnabill, being wearie, to feight againe bee land against new forces: Sa the best fuld bee, to schift bee ane way or vther, for sparing of your men and vessels, and swa the Englisch forces staving vpon the sea vnfoghten, fall be disappointed, and fall not come in time to assist thame, that salbe assailzeit be land. Attour, sending heir a part of your forces, before the vther, quhilk fuld goe the right way to England, and that secreetly by the backe of Ireland: Your Majestie fuld compell the enemye to divide their forces, and it may bee, fuld cause thame send the greatest part heir, quhair yee might make thame believe the greatest part of your forces wer arrayvit, at least fuld cause thame disgarneis as meekle of England, and drawe a great part of their forces, quhilk wald resist your landing and invasion on that coast. And we may well promise, that having heir sax thousand of your men, and money to lift vtheris heir, wee fuld within sax owlkis after their arrivall, bee well farre within England, to approache and assist the forces quhilke your Majestie fuld cause enter thair. The knight William Sempill Colonell, can shew your Majestie the haill; to quhom we remit. Alswa, wee haue causit writ baith before and sen his depart, our money sik advises bee M. Robert Bruce, and causit addresse the same to my Lord Duke of Parme, to whome your Majestie remittit vs, from the beginning, in thir effaires. And seeing wee hope your Majestie is dewly advertised and informit, wee will end the present, kissing maist humbly your Majesties hand, praying God with all your affection, to grant you full accomplishment of all your holy interprises. From Edinburgh, this 24 of January, 1589.

Advise to the King of Spain how to assault this island hereafter.

Advise to the King of Spain how to assault this island hereafter.

With 6000 men sent from Spaine and money to levie a power in Scotland, they will in sax owlkis bee far in England.

Bruce is the mouth of these lords to the King of Spaine and the D. of Parma.

Your Majesties maist humble and affectioned servitours,

G. ERLE HUNTLIE, &c.

In name of the vther Lordis Catholiks of Scotland.

A LETTER direct fra the Erle of Huntly to the Duke of Parme, interceptit in Ianuarie, &c.

Letters resavit fra the Duke of Parme, be Iohn Chesholme.

Support of 1000 crownis fra the D. of Parme.

He dissembles his religion for feare & pollicie.

He hes establish- ed gardis about the King at his awin devotion to be Maister of his person when occasion sal offer.

MY Lord, I haue ressavit from Iohne Chesholme, the letters it pleasit your hienesse to writ, the 13 of October, full of maist Christian affection to the weill of our cause : For the quhilkis I giue your hienesse maist humble thankis. The support of ten thousand crowns, sent to that end, is ressavit be M. Robert Bruce, quhilkis shall not bee employed, but for helpe of the maist vrgent necessitie of the said cause, as it hes pleasit your hienesse to direct. After the departure of Colonel Sempill, I have found my selfe sa boastit on all hands, and preassit in sik fort be our King, that it behuifit mee to yeeld to the extreame difficultie of time, and subscribe with his Majestie, not with my heart, the Confession of thair Faith ; or vtherwise, I had bene forced immediatly to haue departit the cuntry, or to haue taken the fieldis for resisting his forces, and sik as hee might haue drawin out of England to his aide ; quhilk I could not have done, especially then, quhen be the returning of your armie in Spain, all hope of helpe was taken from vs ; but if on the one part I have failit, bee the apprehensioun of dangers that threatened my ruine, I fall on the other part endeavour my selfe to amend my fault, (quhair of I repent me with all my heart) be sein effect, tending to the well and advancement of the cause of God, quha hes put mee in fike credite with his Majestie, that sen my cuming to court he hes broken his former gairdis, and caufit me establis vthers about his person of my men, bee the moyen of quhom and their captaines ar also mine, I may ever bee master of his person : And your support being arryvit, spulzie the hereticks of his authoritie, to fortifie and assure our enterprises ; quhairvpon I beseeke your hienesse to send me your avise, and to assure your self of my vnchangeable affectiounes in my former resolutions ; albeit the outward actions bee forced to conforme thameselfis, sumtimes, to necessitie of occasiounes, as M. Robert Bruce will mair amplie write to your hienesse, to whom I remitte mee farder. Praying God, after I haue maist humbly kiffit your hienesse hand, to give yow accomplishment of your holy enterprises. From Edinburgh, the 24 of Ianuarie, 1592.

Your hienesse maist humble and affectioned servitour,

G. ERLLE OF HUNTLIE.

A LETTER fra the Erle of Erroll to the Duke of Parme, interceptit in Ianuarie, &c.

MY Lord, sen God of late, bee the cleir licht of his holy Catholik faith, hes chafit from my vnderstanding the darknesse of ignorance and errour, quhairin I have bene heirtofore nurischit ; I haue bene als soon perswadit in acknowledging of sa great ane effect of his divine grace towardis mee, that I am chiefly obligit to procure, sen I knaw the enterprises of his Maiestie Catholik, and your hienes

tendes principally to that end, as also to the advancement of some civill cause, quhilk hes verie great affinitie and conjunction with ours heir. That I mon^{The causes of the Papists are inseparable for the K. of Spaines service.} testifie the present, the affection that I haue to the well of the ane and the vther, having ever before my converfioun bene ane of the number of your friendes and servitours, for the respect of the last; to the quhilkes, the first of religioun, quhilk is the greatest and maist important that is in this world being joynit thereto, I am also become altogether yours; quhilk I beseik maist humblie your hienesse, cause it signifeit to his Majestie Catholik, and to promise him in my behalfe, that hee hes not in this country a mair affectioned servant than I, neither zet your hienesse, as ze fall vnderstand mair ample of my intentioun in particular, be him, bee whom your hienes shall ressaue this present. To whom, after I haue maist humblie kissed your hand, I beseike the Creator to give yow the accomplishment of your holy desires. From Edinburgh, this 24 of Ianuarie, 1589.

Your hienesse maist humble and maist affectioned servitour,

FRANCIS ERLLE OF ERROLL.

A LETTER fra Robert Bruce, to Monsieur Francisce Aguirre Espaignell, &c. interceptit in Ianuarie 1589. Writen in French, and tranflatit in Scottis, as followis :

MONSIEUR DE AGUIRRE, I have refavit your Letter, of the nynt of November, writen from Handwerp, quhairby, I was glad to vnderstand of your arrivall thair and helth, and that ye haue guidit your selfe sa wisely in execution of al that I committed to yow. Your Master, quha at my request hes gevin yow entertenement, hes givin mee the like testimony of your behaviour, and hes promisit mee bee his Letters, to have zow in the favourable commendation I desirrit, and to employ zow in gude occasions. Gif he send zow heir again in thir parts, cause sette you on land neare Seytoun, quhair I pray zow to enter secreetly, and there ye fall be keepit quhil I may come and finde zow.

[The rest of this Missive, being set downe in oblcure times (terms?) is to be sene in the originall.]

A LETTER fra Robert Bruce to the Duke of Parme, intercepted in Ianuarie 1589, lately before the Raid of the Brig of Die, cyphered in French, decipherit there after, and tranflatit in Scottis, as followes :

MY LORD, Monsieur Chesholme, arrayvit in this country five dayes after his departing from thair, and with thair requisite dilligence, cam to the Erlle of Huntly in his awn house in Dumfermling, quhair having presented to him your hienes letters of the 13 of October, hee declarit ampie to him the credite givin him in charge, conforme to the tenour of the letters from your hienesse : quhair^{Letters sent be Iohn Chesholme from the D. of Parme to the Erlle of Huntlie, and receavit bee him at Dumfermling.} thay perceavit your hienesse great humanitie and affection, to the advancement of the glory of God in this country, with vthers consolations maist convenient,

10,000 crownis
receavit from the
D. of Parme, bee
Bruce, to bee
employed for
the King of
Spaines service
in Scotland.

The money is to
bee destributed
among the Ca-
tholike nobilitie
of Scotland.

The Erle of
Huntly wald
haue a third part
to himselfe.

Quhat ever this
nobleman hes
beine at this

to moderat the dolour and displeasure conceavit be the heartis of the Catholiks, be reasoun of the succes of your armie, against thair hope and expectation. Alswa, sum dayes thereafter, as the commoditie offerit to mee to resave the money, the said Chesholme deliverit to me sax thousand twa hundreth three scoire twelve crounes of the funne, and three thousand sevin hundreth Spanisch pistolets: And likewise hes cariet himselfe, in all his actions senfyne, verie wisely, and as become a man of God: Chiefly then, quhen vpon the suspition conceavit of his sa sudder returning, the king sent to gar take him. I fall behave my selfe, be the grace of God, in the keeping and destribution of the money last sent, and of that quhilke restes yet of the first sowme, according to your hienes prescriptioun, and as I ought to answere to God in conscience, and to your hienes in criedite, and to the haille world in the reputation of an honest man: And sal minnage it in sik sort, that be the grace of God, thair fall be fruite drawin thereof, pleasant to your hienes. It is true that I finde (as all vthers wald doe, that walde interpretise sik a charge heir) my self involved in great difficulties: For on the ane part, I am in great danger of the heretikes, and of thame of the faction of England, be reasoun of the oppin professioun that I make of the Catholike Religion, and of the suspition that the last hes of my secreete practises and dealing against thame: On the vther part, I haue meekle adoe to moderate the appetite that sum Catholicke lordis hes, to haue the money presently, for the hope quhilke they give of sum pretendit occasiouns, that will never fall out as they promise. The Earle of Huntly made instance to haue the third part of the sowme quhilke was sent heir, alse soone as it was delyvered to me; but he hes not tuitchit, nor fall not twitch hereafter a malzie, but vpon gude takins. I haue payed him in the meane tyme, with inexpugnabill reasonis, quhairof in the end he is contented. I beseik your hienes, bee the first letter it fall pleas you to write in thir partis, to the Catholicke lordes, to remove ane errour from three, quha hes writen thair in name of the remanent, that moves them to thinke, be reasoun thay were the first that made offer of thair service to the King Catholike, that all the money that comes heere should be parted in thre, and immediately after the arrivall thereof delyvered to thame, without giving part to vtheris, quhilke beside thame are in great number to the King Catholikes service and yours, and alswa deliberat to hazard after their power, for the advancement of this cause, as thay are; of whom the vtheris will not depend in ony sort, in the accepting of the moyans that cummes from your liberalitie, but acknowledge thame as comming directly from your hienes, to quhome onely they will bee bound and obleist, and not to the vther three. Of the quhilkes, the Erle of Mortoun, hes hitherto contented himselfe with reason: As alswa the Earle of Huntly, hes never schawin himselfe subject to money, bot sen he hes beene inducit be the third, to wit, my

Lord Claud Hamiltoun his vncle, quha is sum quhat covetous of geir, and thocht vnder fike pretext to make his profite. The faide Earle of Huntly is constrained to remaine at Court : He is fallin from his constancy in his outward profession of the Catholike Religioun, partly for having lost all esperance of your support before the returning of the faide Chesholme, because of his lang stay there, partly by the perswasion of sum politicks, partly to eschew the perrills imminent to all thame that calles thameselfis Catholikes, partly to keepe himselfe in the favour of his King, quha preasit him greatly to subscribe the Confession of the Heretikes, and to league with England. Bot for all this, his heart is na wife alienat from our cause ; for he hes the soul ever gude, albeit he haue not sik vigour to persevere, and execute sik as is requisite, in sa great an enterprife ; but thay may helpe thay defects, putting beside him a man of credite, resolute to assist him, as we haue advised to doe, sen the Barron of Fentrie is put in waird be the King, in the Towne of Dundie : Swa that he darre not gang out of the portes thereof, vnder the paine of a great fowme, quhill the occasion may bee offerit to depart the cuntry, within the tyme limited. And I bee the Kings commandement, am dischargeit to come neir the said Erle ; because they have attributed to the said Laird of Fentry, and mee, his constancy in the Catholik Religion, and his absence from Court against the Kingis wil : His wairding hes sum quhat hinderit our course, and permittes mee not to move him, as it hes pleasit you to command mee, and as I desire to dispenche the money conjunctly with me ; sa that for suppleing of the default of him, I haue associat to the same end, a very honest man and very wise, callit Father William Criehtoun Iesuist, quha wes detenit sum yeiris in the towne of Londoun, after hee was tane vpon the sea, cummand toward this from France. Likewise, I fall helpe myselfe be the prudence of Schir Iames Chesholme, eldest brother to the said Iohn, quha brought the money from your hienesse. For hee is a man confident, wise, and ane on our part, and very litle suspect. In the mean time, the ane part of the money is in the principall house of my Lord Lvingstoun, a very Catholike Lord, the vther heir in Edinburgh, in great enough suirtie, to helpe as it fall neid the Lords Catholiks, quha will conveene heir very soon to resist, to the defyinges of thame of the faction of England, quha in the same time are purposit to remaine at Court, with forces, to range all things at their fantacie. As for the like fowme or greater, quhillk your hienesse willis to cause follow the last sent heir, it is good in all eventis, it were very soone sent heere, secreetly, to help the necessitie that may fal out, and to cause things incline to our side, quhen they are in ballance, as their is great appearance thay will bee, be the occasioun foirsaid : And in cace that necessitie requires na distribution, the said fowme fall bee keepit and reservit to better occasions, or quhill the arrivall of your forces in this Ile.

tyme, it is not to bee objectit to him nowafter his aith and subscription geven to the contrare.

The Earle of Huntly dissembles his Religion, first, for feare and policie, after to work his matters the better.

Sir Iames Chesholme, brother to Iohn Chesholme, a confederate.

The money is in my L. Lvingstonis chiefe house, and at Edinburgh, to serve the Catholike noblemenis turnis that are shortly to assemble.

Mair money promisit be the Duke of Parme.

It is meant that Spanish forces sould arrive in this Iland.

They compt our
King amangis
the heretickes.

Bruce servand
to the King of
Spaine, and to
the D. of Parme,
hes ane pensioun
of 40 crownes in
the moneth, and
500 crownes of
ferill.

Bruce hes nego-
tiat in Spaine
with the K. and
in the law coun-
tries with the D.
of Parme.

Thair is suspition, as also arguments probable anugh, that Thomas Tyrie, quha hes brought heir your hienesse letters to our King, hes not behavit himfelfe according to his duetie : For hee hes accomodate himfelfe in his behaviour, mair after the affectioun of our Chancellor (quha is of the faction of England, and abuses the credeit hee hes with the King) nor according to the instructions given him thair. Hee hes not presentit nor made mention to the King of Colonell Sempills letter, quhairof I haue causit present the copie to his Majestie be the Erle Bouthwell, as gif it had beene sent to him with an vther of the said Colonellis to himfelfe, quhilk hee relavit from Thomas Tyrie at his arryvall, quha hes reported to the said Chancelar, all that Segneur don Bernardino spak to him, in Parise, to the disadvantage of the said Chancellor. Als wa, hee hes reportit to the King, that my Lord Bischop of Dumblane, beeing returnit thair, spake to your hienesse and to vthers, many things to the great prejudice of his hienes : And it is beleevd also, that he is the cause of the suspitioun quhilk is conceavit of the comming of the said Iohn Chesholme, newlie to the said Bishop. However it be, the vther reports foirsaid, quhilk he hes made, hes not servit to conciliat, but to alienate the affection of the King, of the Chancelar and mony otheris heretickes from the said Segneur don Bernardino, the said Bischop, and Catholickes heir, that hes had adoe with thame. As for mee, albeit I speak not willingly to the disadvantage of ony whatsoever, chiefly of thame whome I haue recommendit, as I did the saide Thomas Tyrie to the said Don Bernardino, yet I will preferre the love of the treuth to men, and wald not in concealing thereof, bring prejudice to the publick well, nor to the fidelitie that the an aught to vthers, and specially to that we aught all to the King of Spain, and your hienesse, to quhome I am presently servand, particularly addicted, bee the obligation of five hundreth crownes of fee, and fourty for monethly entertainment, quhilk it hes pleasit your hienes to give mee friely in name of the King of Spaine, vnbeing required for my part, nor vther thing for my particulare to this present ; bee reafoun quhairof, I am the mair bound to give your hienes maist humble thanks, and to endeavour my felfe to deserve, be my maist humble and faithfull services, als weill the said entertainment, as the recompense it hes pleasit your hienesse to promise me of your grace and favour. The said gift of your liberalitie, come to me weill to purpose, seing bee reafoun of the danger of my person, it behuifit mee to augment my ordinarie tryne for my greater suirtie, quhilke I was not able langer to have borne out without helpe. For from all the lordes of Scotland, I have not retyred but a part onely of the money, quhilk I spendit traveling, for the well of this cause in Spaine with his Majestie Catholike, and with your hienesse in the low countries. As for the foure hundreth crowns imployed for the deliverance of Colonell Sempill out of prison, I haue put in it compt with

the remanent quhilk I debursed of the first sowme, according as it hes pleasit your hienesse to command me. The Earle of Mortoun, to quhome I haue given consolation bee writ in prisoun, hes instantly prayed me also be write to remember his maist affectioned service to your hienes. Finding himself greatly honourit be the care it pleasit yow to have of him. Be the grace of God he is na mair in danger of his life, be way of iustice; it not beeing possible to his enemies to prove against him ony thing quhilk they had supposed in his accusatioun: As also the Kinges affection not sa farre alienate fra him as it hes bene heeretofore: And incaise thay wald noye him, or that it were presently requisite for the weill of our cause to deliver him, wee have ever moyan to gette him out of prisoun, and abides not in the meane time, bot the Kings will towarde his liberty, only to avoide all persuit that thay wald make, gif wee delyvered him extraordinarily. Quhen they offerit him in the Kings name his libertie, gif he wolde subscribe the confessioun of the Heretikes faith, he answerit hee walde not doe it for the Kings crowne, nor for a hundreth thousand lives, if he had them to lose; and hes offerit to confound the Ministers be publicke disputation. I fall solícite the lords, his friends, to procure of the King his libertie very soone: for hee importes mair the well of our cause, nor ony of the rest, be reasoun of his forces, quhilkes are neare England, and the principall towne of Scotland, and the ordinarie residence of our kings: As alsua, he is the lord the maist resolute constant and of greatest executioun of ony of the Catholickes. It is na small marvell, considering the moyanes the heretickes hes to harme vs, and thair warldly wit sa far passing ovr, and thair evil will and intentioun against vs, that wee subsist. Truly, wee cannot bot attribute the effect thereof to God, quha (then when the certain newes of the returning of the arme of Spaine be the backe of Ireland, were disperfit through this country, and the heretickes of the faction of England triumphant, and the constancie in the outwarde professioun of the Earle of Huntly and others wes branglit) causit the Earle of Angus to die, quha wes cheiffe of the English faction, and the selfe same time suscitat sum dissentioun amangis the hereticks, bee resoun of sum offices that sum pretendit to vsurpe aboue vthers at Court, and bee the instant prayers and haly perswasions of twa fateres Iesuistes, convertit to our holy faith twa hereticke Earles of the first of authoritie and power amangis them, the an quhairof is callit the Earle of Erroll, constable of Scotland, convertit bee Father Edmond Hay: The vther called the Earle of Crawford, convertit bee the said Father William Crichtoun. Thaye are baith able and wise young lordes, and maist desirous to advaunce the Catholicke faith, and your interprises in this Ile, quhilk they are deliberate to testifie to his Majestie Catholicke and your hienes by their owin letters, quhilke be the grace of God, I fall send be the first commoditie. In the meane tyme, they haue

Quhat ever this nobleman hes beene at this tyme it is not to bee objectit to him, now efter his aith and subscription given to the contrare, gif he remaine constant.

The King of Spain and D. of Parme hes enterprised to bee executed in Scotland.

The Iesuists and priests doe great hurt in Scotland.

Heereof it is evident, that the declining to papistrie drawis with it defection fra our native Kingis obedience to the service of the K. of Spain and D. of Parme.

The Papist lords did sende bee Creichtoun, to move the Spanish flot to land in Scotland.

required me to mak yow offer of thair maist humble and maist affectioned service, promising to follow quhat sumever the said Iesuistes and I fall thinke good to bee done, for the conservacion of the Catholikes, and to dispose and facilitat the executioun of your enterprises heir, quhilk thay may doe mair easily, nor thay that are knowne to bee Catholikus, quhais actions are ever suspicious to the heretikes, for thair Religioun, quhair of thir two Earles hes not yet made outward professioun; but in that, as in the rest, thay submit them selfis to our will, and to that we finde maist expedient. The saides fathers of that company makes great fruite in Scotland, and sa soone as ane lord or other person of importance is converted bee thame, they dispose and inclyne in the very meane time their affection to the service of the King of Spaine, and your hienesse, as a thing inseparable conjoined with the advancement of the true Religion in this country. Gif I had commandement of your hienesse, I walde give thame sume litle almous in your name, to help thame and eight vthers, quhair of foure are also Iesuists, and the vther foure ar seminarie priestes of Pontawmouffone in Lorane; quhilkis are all the Ecclesiastickes, that produces sa great spirituall fruite in Scotland, and acquires to 3ow heir sik augmentation of your friendes and servantis. After the pairting of Colonell Sempill from this, the lords sent letteris with the said Father Creichtoun and vther gentlemen, after the armie of Spaine, to cause it land in this cuntry; bot it had taken the way to Spaine few dayes before their arrivall at the Iles, quhair it had refreshed the selfe, sa that it was not possible for them to attend on it. Thay of this country that are of the faction of England, were in a marvellous feare, during the incertitude of the landing of the said armie, and confesses plainly, if it had landit heir, thay had bein alluterly wrakkit. The Erle Boithwell, quha is Admirall of Scotland, and als galzerit a lord as ony is in the country, albeit hee make professioun of the new Religion, yet is he extreamly desirous to assist 3ow against England, having lifted and entertained all this sommer, (vnder pretext to ga dantoun the Iles) sum trowpis of men of weir, quhilk, together with his forces ordinaris, fuld haue ioyned with yours, gif thay had cummit heir. He suffers himselfe to bee peaceable gydit be me, notwithstanding the diversity of our Religion, and hes oftentimes said, that if the Catholickes wald giue him suirtie to possesse, after the restitution of the Catholickes Religion, twa abaies quhilke he hes, that hee fuld even presently bee altogether ane of ours: Hee intends to send the Colonell Halkerstoun, to accompanie certaine captaines and gentilmen to Spaine, and almaist foure hundreth souldours all saife from the nawfrage in our Iles. And because thay are in great necessitie, he is purposed to accommod thame with ships, victuals and vther things necessare, to testifie thairby to the King of Spaine, the affection hee hes, to doe him maist humble and affectioned service: And gif we think it good,

hes offerit himselfe to ga out of the country, and to ga offer himselfe to your hienesse in the Law Countries, and be your advise thairafter, doe the like to his Majestie Catholike in Spaine. Bot heerevpon, wee fall advise vpon the maist expedient: Gif wee may alwayes be assurit of him, he will bee alse profitable for the well of our cause, as ony lord in Scotland: For he hes great dependance about this towne, quhilke is the principall of Scotland, as alswa, vpon the fronterris of England. Hee hes offerit to maintaine and defend me against all that wold attempt againis me. Wee haue chosen for every Catholike lord a gentleman of the wisest and faithfull Catholikes, and belovit of their friends, to serve thame of a counsell, and to conveen at al occasions, to resolve the maist expedient that may concern the well of our cause, according to the will and intentioun of thair lordis, quha hes obleist thamefelfis to approve and execute thair resolutions, and nawise to contraveine the same. And bee that moyan, we hope to proceede with greater soliditie and effect, than wee have done heirtofair: Alwayes, thir fall know na thing of our intelligences thair, nor our finall intentiounes, bot according to the exigence of the effaires fall be in hand, and that superficially, and without discovering our felfis over farre.

A counsell of chosen men for every Catholike lord are erected be Bruce for the execution of Catholike interprises.

Your hienesse fall vnderstand, bee the particulare Letters of the lordis, that quhilke restes to bee said to yow by thir presentis: Be refoun quhairof, I will make end, maist humbly kissing your hienes handis: And prayand God to give yow all the gude hope and felicitie ye desire. From Edinburgh, the 24 of Ianuarie, 1589.

Your hienesse maist humble and maist affectioned servitor,

ROBERT BRUCE.¹

(Jun. 12.)—Charges ordained to be given to the keepers and withholders of the ‘placeis, houffis, touris and fortaliceis of STRATHBOGY, Boig of Geycht, Innernes, Slanes, Douglas, Bothuill, Drymmen, Ruthuen in Badzenauch, Crawford, Auchindoun, Gartlie, Peill, Birnes, Balgawy, to rander and delyuer the samyn to the Herauldis, pursevantis or vthiris officeris, executouris of the faides Letteris; and to remove thame felfis and thair seruandis furth thairof, within xxiiij houris,’ under the pain of Treason.

(Jun. 13.)—ROBERT LOGANE of Restalrig, ordained to be denounced rebel, for not appearing before the King and Council, to answer a charge at the instance of Robert Gray burgesis of Edinburgh; ‘makand mention, That quhair vpoun the secund day of Aprile last, he being passing in peceable and quiet maner to Beruik, for doing of certane his lessum effearis and busynes, lippynning for na

¹ In the Advocates’ Library, there is also a copy of the same Tract, printed *verbatim* with the Edition from which the present has been taken. It is chiefly in Black Letter. Another Edition was ‘printed at London by T. Snodham, and are to be fould at the house of T. Este, 1603.’

trouble nor injurie of ony personis; treuth it is, that Johnne *alias Jokkie* Houldie and Petir Craik ('houfhald') seruandis to Robert Logane of Restalrig, with three vtheris thair compliceis, vmbesett his hie way and passage, besyde the Bowyrode; quha not onlie rest and spuilzeit fra him nyne hundreth and fiftie pundis money quhilk he had vpoun him, bot als wa, maist cruellie and barbaroullie invadit and persewit him of his lyffe, hurte and woundit him in the heid, and straik him with diuers vtheris bauch straikis vpoun his body, to the grite danger and perrill of his lyffe, to the said complenaris vtter wrak and euill example of vtheris to committ the lyke rubberie and violence,' &c. Logan failed to appear and to present these persons, for whom he was responsible.

(Jul. 11.)—Johnne Eler 'citienair of the toun of Danskene,' as procurator for Joachym Eler, Michael Meves and other *citizens of Danskene*, obtain Letters for charging 'PATRIK ERLLE OF ORKNAY, Johnne Forret of Fingask, and Dauid Hoppringle, mercheant and burges of Edinburgh, for the wrangous, violent and maisterfull spoliatioun and away-taking fra the saidis persewaris, of ane ship of the toun of Danskene, callit 'The Ark of Noy' (Noah,) with hir ankeris, cabillis, towis, furnitour, and certane vtheris guidis and geir.'

(Jul. 22.)—PROCLAMATION, that 'the Kingis Maiestie, now finding the effectis of the traiterous practizeis of his disloyall and maist vnthankfull and vn-naturall subiectis safer (*so far*) procedit, as THE JESUITIS, the pernicious springis and instrumentis of thir euills ar returnit; not simplie, bot accompanyit with strangearis, and furnist with money to steir vp and prosequute a publick wear, aganis God, his trew Religioun, his Maiesteis persoun and authoritie,' &c. 'For resisting and repressing of quhilk maist tressounabill and odious attemptatis, his Maiestie willis and effectuellie requiris all Ministeris of Godis worde, within the hail Presbitereis ouer all the realme, eirnistlie to travell with all his hienes faithfull and gude subiectis of all esteatis, alswell to burgh as to land; to tak this mater in harte, as that quhilk importis the present dangear and hafard of thair Religioun and conscience; the lyffis of thame selffis, thair wyffis, bairnis and kynnisfolkis; the conquest of thair natie cuntrey and of thair awne landis, levingis and guidis, vailzeantlie defendit be thair worthie foirbearis, vnto this age; fra that maist crewell and vnmercifull Natioun of Spanzie and thair adherentis: And to that effect, to move the Baronis and gentlemen in euerie shyre or presbiterie, and the Prouest and bailleis of ilk burgh, to convene with all speid, in sic convenient placeis as thay fall think maist expedient, to advise vpoun the best and maist expedient meanis to resist and repres the intestine and foreyne inemeyis of trew Religioun, &c.; and to reporte vnto his Maiestie thair guidwillis, and offeris to prepar thame selffis with armour and victuallis, to pas forward with his Maiestie, vpoun the nixt aduertisment.'

(Jul. 25.)—A COMMISSION granted to 'ARCHIBALD ERLLE OF ERGYLE

Lord Campbell and Lorne, JOHNNE ERLI OF ATHOILL Lord Balvany, and JOHNNE LORD FORBES,' constituting them 'his hienes Lieutennantis and Justiceis within the boundis of the sheresdoms of Abirdene, Banff, Elgin, Fores, Narne, Inuernes, Cromartie and Tarbett,' to 'pas fordwart, serche, seik, tak, apprehend, or vtherwise to persue to the deid, with fyre, sward and all kynd of rigour and extremitie, all his hienes declairit TRAITOURIS, rebellious and vnnatural subjectis, *Jesuitis, Seminarie Priestis, Trafficking Papistis*, and thair resettaris,' &c.

(*Eodem die.*)—PROCLAMATION calling the Earls, Barons, &c. of the shires of Edinburgh, Haddington, Berwick, Roxburgh, Selkirk and Peebles, to repair to his Majesty, at Edinburgh, Aug. 26; those within the bounds of Lanark, Dumfries, Wigton, Ayr, Tarbet, Bute, Renfrew, Dumbarton, Linlithgow, Stirling, Clackmannan, Kirkcudbright and Annandale, Kile, Carrick and Cunningham, at Stirling, on Aug. 27; Fife, Kinross, Perth, Stratherne and Menteith, at Perth, on Aug. 28; Forfar and Kincardine, at Brechin, on Aug. 29; Aberdeen, Banff, Elgin, Forres, Nairn, Inverness and Cromarty, at Aberdeen, on Aug. 31; 'and fra thyne to pas fordwart as thay salbe commandit, for resisting and repressing of the tressounable practizes and conspiraceis of the saidis vnnatural subiectis, or persute of thame, as occasioun salbe offerit.' Licences to be granted to the 'ageit, diseasit and infirme, thay payand sic ressonable compositioun thairfoir, for the furtherance of this service, cheiflie the payment of the wageis of horsemen and futemen,' &c. These Treasons are said to have been highly aggravated, by their taking place 'evin in this tyme appointit for his hienes baptism of his darrest sone the Prince, quhome God in his mercie hes grantit to the conforte of this natioun; be the assistance and witnessing of the souerane Princeis his maist deir freindis and allyes, and commoun welthis, his narrest and gude nichtbouris.'

(Jul. 31.)—KANZEAUCH M^cKANZIE of Kintail was charged to appear and produce a Commission of Justiciary, 'maist inordourlie past aganis the tennour of the Actis; and speciallie, gevand him pouer to proceid aganis persones dilaitit of tressounable Fyre-raising, quhilk is onlie propir to the Justice Generall and his deputis, and aucht na to be tryit befor ony inferiour judgement.'

(Aug. 2.)—ANDRO KER of Fairnyhirst, Thomas Ker his brother, Thomas Ker of Caveris and Robert Ker of Newtoun, having been denounced rebels, 'for subscriyving of ane Assurance to Schir Robert Ker appeirand of Cessfurde.' They are charged 'to pas and entir thair personis in warde, within the Castell of Dunbartane;' until they obtain themselves relaxed from the process of horn.

(Aug. 15.)—WILLIAME HAY of Linlithgow to be denounced rebel, for not answering to a charge at the instance of M^r David Ogill minister at Humberie, and

M^r George Chalmer minifter at Bar, 'that quhair, thay being defyrit be certane freindis, at his speciall directioun, to haue conuenit with him at ane tryift, vpoun the ground of his awne landis, for removing of the contrauerfie betuix him and the faid M^r Daud, anent the richt of the vicarage of Barro;' they on 8th instant attended, when Hay 'came and mett thame, accompanied with three of his seruandis in armes, and befor the vttering of ony speicheis to thame, he shamefullie and vnhonnestlie perfewit thame of thair lyveis; thay haueing na thing, faulffing thair buikis in thair handis, shoit and discharget his pistollett at the faid M^r Daud, off sett purpois and prouisioun to haue flane him thairwith; and he happynning with the same shoitt to fall, the faid Williame belevit he wes flane, and left him for deid; and thaireftir followit and perfewit the faid M^r George and presentit ane bendit pistollett at him, quhilk misgave, cheiffit him three quarteris of ane myle, and had not faillit to haue flane him, wer nocht he gatt entres within the portis of Hadingtoun, and wes releuit be the inhabitantis thair of.'

(Aug. 17, *apud Striuling*.)—PROCLAMATION, referring to the circumstance of the preceding Proclamations having been issued, in regular form;—'nochtwithstanding, be reffoun of the present seasoun and nature of the yeir, and lait haruest liklie to follow, be that occasioun, the grite grudge and murmuring of a grite nowmer of his Maiesteis gude subiectis, giff thay salbe drawne frome thair harvift, cheiffie at that tyme quhen as thair coirnis ar rype and reddy to be shoirne; respecting heirwithall the grite scairstie of viuers and vtheris necessaris for men and horsis, and grite derth that hes followit and yit continewis be that occasioun; and last, the want of ane thousand wageit men on horse and fute, thocht necessar for this purpois and yit not tane vp.'—Therefore the lieges are ordained to convene at the before-named places, on the last day of September—first, second, third and fourth days of October, 'for resisting and repressing of the tressounable practizes,' &c.

(Aug. 24.)—PROCLAMATION, charging 'all and findrie noblemen, gentilmen and vtheris his hienes faythfull and gude subiectis, luiffaris of the honnour of his hienes and thair natiue cuntrey, that thay and euery ane of thame preas be all gude means possible to intertene the *Ambassadouris* ['of findrie Princeis and Commoun-welthis, darrest and narrest freindis to our souerane lord and lady, repairit to this burgh of Striuling to the BAPTISME OF THE PRINCE, darrest sone to our souerane lord,'] and the gentilmen and vtheris being in thair cumpanyis, freindlie and courteouslie: And that thay may performe the same the mair effectuellie, that thay retene nane in thair cumpany bot sic as ar discret, courtas, of gude inclinatioun, and honnest behauour; nawayes factious, querrellous, bot sic as will vtterlie forbeir to invade or perfew ony maner of persone or personis, or

mak prouocatioun of displeasour, in worde, deide, or countenance outhir for auld feid or new, or for quhatfumeuir caus or occasioun, in coming to this toun, remaning thairin, or depairting thairfra,' &c.

(Sep. 10, *apud Haliruidhous.*)—ACT anent THOMAS FOULLIS, goldsmith and burges of Edinburgh, in which it is narrated, That in consideration of the sum of £14,598 'presentlie lent and deliuerit to the Kingis Maiestie, and vthirwayis hes debursit in certane his hienes awne particulier effairis,' 'his Maiestie hes presentlie consignit and delyuerit in his handis twa *Drinking peceis of gold*, weyand in the haill fyftene pundis and fyve vnce of Gold.' And in case of non-payment of the above sum, betuix and the first day of Nouember next, 'Ordanis him and Thomas Achiefoun his Maiesteis Maister cunzeour, to stryke down and cunzie, and caus the saidis twa drinking peceis of gold to be strukin down and cunzeit, in ffyve pund peceis;' 'The superplus, giff ony beis, to mak furthcwm-and and delyuer to his Maiesteis selff.'

(*Eodem die.*)—Another '*Drinking pece of gold*, weyand tuelff pundis and fyve vnce of gold,' consigned, on the same conditions, with Thomas Achiefoun Maister Cwnzeour, for payment of £6000, advanced by JOHNNE ARNOTT burges of Edinburgh. Achiefoun becomes cautioner for his Majesty; and for his relief, he is empowered to 'stryke down and cunzie' the Drinking pece, if the money be not paid within the time stipulated; and after satisfying Arnott, to pay the surplus to his Majesty.

(*Eodem die.*)—JOHNNE ARNOTT gets Assignation of the ffew-farms and ffew-mailes of his Majesty's proper lands of Colbrandispeth, for 'this instant crope and yeir' 1594, and of the crops and years 1595 and 1596; and also the ffew-mailes of his highness's proper lands of Orkney and Yetland, of the years 1595 and 1596; for sums expended before the 'incwming of the strangleis to this honnourable tyme of the baptizing of the Prince,' viz. £5000 for 'wyne and beir;' and '8000 markis, to the intertenying of his Maiesteis and the Quenis grace, his darrest bedfellowis, awne houffis, quhan all vthir moyane failit;' which, with 'annualrent,' then amounted to £11,500.

(*Eodem die.*)—'PROCLAMATIOUN FOR THE NORTH.' The 'Erllis lordis,' &c. ordained to meet at Edinburgh, Sep. 30, at Dundee, Oct. 4, and at other times as specified in Letters to be directed, at Aberdeen; with thirty days' victuals and provision, after their reaching Aberdeen;—'for resisting of the tref-sounable practizeis of the saidis declairit tratouris,' &c.

(Sep. 30.)—ACT in favour of THOMAS FOULLIS goldsmith, burges of Edinburgh, that he had 'presentlie, at his Maiesteis eirnist desire, lent and debursit the sowme of £12,000, for outredding of findrie his hienes effearis, speciallie the payment of the wageis of horsmen and futemen, leveyed for the advancement

of his hienes authoritie and seruice in the North pairtis of this realme.' Until repayment, ten per cent interest is stipulated to be paid.

PROCLAMATION against FRANCIS sumtyme ERLI BOTHUILL.

(*Eodem die.*)—FORSAMEKLE as the vnnaturall and maist odious Rebellionis of FRANCES sumtyme ERLI BOTHUILL, is now manifested to the haill warld, in hie and manifest contempt of our souerane lord and his auctoritie; first, breking warde oute of the Castell of Edinburgh; Invading his Maiestie vnder cloude of nicht, at his Palaceis of Haliruidhous and Falkland; Awaiting on his Maiestie, at his ouerpassing at the Ferreyis of Leith and Kinghorne; Seiking at findrie tymes, besyde the burrowis of Edinburgh and Linlythgow, to haue leased on his hienes persone, at the hunting; Entering in his presence, in maist irreverent and barbarous maner, the xxiiij day of July, the yeir of God 1593, at his Palice of Haliruidhous foirsaid; Clengeing him selff of the odious cryme of Witchecraft, in a Judgement, quhair he wes baith Juge and pairty; Preasing his Maiestie (yea almaist compelling him aganis his harte, giff he had not preferit his honnour and libertie of his Crowne to his awne lyffe,) to capitulat with him, in materis maist foule and ignominious: And the thryd of Aprile last, in his dispyte of his Maiestie, cwming with displayed baneris in sicht of strangeris and in his hienes awne presence, committing presumptuous insolenceis vpon his hienes gude subiectis: By quhilkis tressounable and continuall indigniteis, the said sumtyme Erll, labouring his Maiestie now the space of three yeiris and mair, he hes perturbit his hienes and his estate, in sic sorte, as he had na lasair to correct the practizaris with strangeris for subuerfoun of Religioun and amitie betuix the tua realmes, quhairvnto baith his hienes awne conscience and eirnist prayeris of his gude subiectis urged him; till now, of lait, his hienes, hoiping be his lang patience, to haue moved the said sumtyme Erll to sum conformitie and humiliatioun, he assignit the secund day of October nixt to cum, for going fordward in that Cristeane seruice aganis the saidis Practizaris; bot the said Boithuell, shauking of all Religioun (with opinioun quhair of he had abused the simple people, during the space of three yeiris foirsaid), and making shipwrak of all honnestie, hes enterit in freindschip with the saidis Practizaris, ressaute thair gold, and promissed to thame, befor the said secund day of October nixt, ather to apprehend and posses his hienes persone, or then, giff he sett fordward to the North, sua to perturb the South pairtis of this realme, be surprising the Castellis of Blaknes, Thomptalloun, Bruchtie, Brint-Iland, Ile of Man, and be vthiris incursionis; as his hienes sould be forced, vndoing justice with the said practizaris, to returne with shame and discredite: And to that effect, the xiiij of September instant, or thairabout, to haue invadit his Maiestie, vnder silence of nicht, at his

Palice of Halyruidhous foirsaid, without spairing ony persone, from the vtter zeit (*outer gate*) to his bed chalmer; haueing, for that purpois, three or fourescoir of his rebellious complices warned to haue concurred with him, at the place and tyme foirsaid; and immediatlie eftir his Maiesteis apprehensioun, to haue caryed him captiue to the Castell of Blaknes, (the keipar quhairof, being corrupt, is now execute for his demereitis,) thair till haue detenit his hienes, till his disfordourit outlawis had cum frome the Bordouris, quha wer indeid vndir wairning to haue mett the xv of this instant, at Jedburgh, and fra that to haue haisted to Bothuill for his releiff; and to his Maiesteis perpetuall shame, how sone thay had hard of his captiuitie, giff God of his mercy had not, be Letteris vndir the said Bothuillis awne hand, quhilkis wer found vpon M^r Allane Orme, ane of his seruandis, detected the names of his associattis, quhairby sum of thame wer apprehendit, and the rest fugitiue, and his Maiestie through devyne grace deliuerit of that most dangerous Treassoun: And as the said Bothuillis dissembled hypocrisie, thir three yeiris past, had procured to him the fauour of ower mony of his people, be the quhilk he was inabled to work all thir insolencies aganis his hienes, so wes his Maiestie, not onlie aganis his naturall inclinacioun, (being moir inclynit to pitie nor to pvnishe,) forced nochtwithstanding, to pvnishe sum of his dependaris, for the terroure of vtheris; bot be the same fauour of the people borne to the said Bothuell, his hienes wes distracted and disabilled to proceid in the gude caus foirsaid, with that eirnistnes that he intendis: And so, be the ignorant and foolish affectioun of his liegis borne to the said Bothuill, he was impeshed and haldin bak fra that quhilk thay maist desirit, and he wes maist willing vnto; ffor thay, conforting the said Bothuill, maid him bauld, euerie three monethis to mak a new Conspiracie; quhilk forceit his hienes, for faultie of his lyffe and honnour, to neglect all vtheris actionis, and onlie to prouyde aganis his barbarous and disperat invasioun: Bot feing his defectioun from the trew Religioun, quhairwith, in maner foirsaid, to this hour, he hes cloiked all his Treasonis, is now manifest be his actionis, all Letteris send to the Ministeris beiring his accord with the saidis Papistis; his hienes hoipis that nane of his gude subiectis, treulie professing the said Religioun, fall conforte or harbour him heireftir, ony mair; bot, in respect the saidis Papistis and he now being all joyned in ane rebellious societie, haue maist shamefullie abused his hienes said liegis, thay falslie pretending his hienes fauour, and Bothuill als falslie pretending a cloik of Religioun: HIS HIENES ordanis Letteris to be direct to Officeris of armes, thereffis in that parte, chargeing thame to pas to the mercat croceis of the heid-burrowis of this realme, and vtheris placeis neidfull, and in his hienes name and authoritie to mak publicatioun heirof, that nane pretend ignorance of the same: And to command and charge all and findrie his hienes lieges, ordanit be his formair

Proclamatioun to attend vpoun his Maiestie, that thay convene thame selffis, in maist fenfible and substantiall maner, to accompany and defend his Maiestie, in his maist Cristiane seruice; quhairin euery ane of thame, eftir a measure, hes als grite interest as him selff, and on the successe quhairof dependeth the estate of the said Religioun, stabilitie of his Crowne, and thair faultie: As alswa, commanding and chargeing samony of his Maiesties subiectis as ar permittit to remane at hame fra this present Raid and Armeie, faithfullie to assist and concur with his hienes Lieutenent, Williame Erll of Mortoun, and all vtheris his Maiesties officeris, Commissionaris, or Wardanis, for repressing of the said Bothuill, or ony vtheris his Maiesties rebellis insolenceis, during his hienes absens and remaning in the North; according to his Maiesties Commission gevin to the same effect: Certifeing thame that dois in the contrair, thay salbe repute and haldin giltie of all crymes committit be the saidis rebellis, and persewit and pvnish thairfoir with all rigour and extremitie, in example of vtheris.

(Oct. 1.)—‘PROCLAMATIOUN, for concurring with ARCHIBALD ERLL OF ERGYLE and JOHNNE LORD FORBES, Lieutennentis in the North pairtis of this realme.’ The lieges are charged, ‘that thay and ilk ane of thame, weill bodin in feir of weir, addres thame selffis and joyne in cumpany with the saidis Lieutennentis, concur, assist and tak ane efauld and trew parte with thame, following thair directioun in the persute of the saidis declairit tratouris,’ &c.

(Oct. 2.)—LICENCES for ‘abiding from the Raid’ are ordained to pass the Signet and to be duly registered, otherwise to be held as null.

(Oct. 4.)—‘PROCLAMATIOUN for concurring with BUCKLEUCH (Sir Walter Scott of Branxholme kn^t), Keipar of Liddisdale.’ The Wardens of the East and Middle Marches and the lieges are directed to ‘ryise, concur, fortifie, assist and repair to the said Sir Walter, at all tymes as thay salbe requirit thairto, be his Missiue Letteris, &c. for persute, taking and apprehending, resisting and repressing of the insolence of his hienes declairit traitouris,’ &c. This Proclamation proceeds on the narrative, that the King had ‘gevin and disponit to him the office thairto (the Keepership of Liddisdale), heritable, in tyme cwming.’

(*Eodem die.*)—‘PROCLAMATIOUN to assist THE LAIRD OF CESHURDE, WARDANE’ (of the Middle March). The lieges within these bounds, ‘and in speciall, the inhabitantis of the burgh of Jedburgh,’ are charged to concur, &c. as in the former Proclamation.

(Oct. 8, *apud Dundee.*)—ACT in favour of Sir JAMES SKRYMGEOUR of Dundop kn^t, Constable of Dundee, that ‘albeit his Maiestie hes appointit ane of his hienes Page of Honour to beir ANE CORNETT BLANCHE befoir his hienes, during the tyme of the present Raid, for the bettir attendance to be gevin be his

houfhald feruandis on his Maieftis awne perfone; yit fall the fame nawayes derogat nor preiuge the faid James Infeftmentis,' &c. viz. 'the place and preferment of BEIRING HIS HIENES BANER AND STANDART before his Maieftis perfone and his fucceffouris, at tymes of Oiftis, Weiris, Raidis, Armeis and Battellis;—' nather fall the fame Blanche Cornett be borne nor vfit eftir his Maieftis Baner and Standart foirfaid beis displayit, bot the fame Blanche Cornett rollit vp.'—' And in the meantyme, quhill tryall be tane, the faid Blanche Cornett fall not be borne, except during the tyme of this prefent Raid.'

(Oct. 16, *apud Abirdene*.)—PROCLAMATION, that 'his Maieftie, with aduife of the Lordis of Secreit Counfale, hes concludit and refoluit to remane and not to depairt furth of thir North pairtis, vnto the tyme the fame be quieted and fetled, to Godis glorie, his hienes obediens, eafe, repofe and fuirtie of all his faithfull and gude fubiectis,' &c. The 'Erllis, Lordis, Baronis, fubftantious ffewaris and landit Gentilmen, &c. togidder with the inhabitants of burrowis, duelland within the boundis of the fherfdome of Perth, (except the inhabitantis of the Kerfe, be neth the Watter of Ilay, allanarlie,) Striuiling, Linlythgw, Renfrew, Dunblane, the Cuntreis of Ros and Ardmannauch, &c. to repair to his Maieftie, at Abirdene, vpoun the xxviij of October instant; and fra thyne to pas forward,' &c.

(Oct. 19.)—'ALL HOUSSIS, quhairin God hes bene difhonnourit, ('be committing of Ydolatrie and prophaning of the facramentis,') ordanit *to be caffin doun*.'—'In fpeciall the placeis, fortaliceis and houffis of STRATHBOGY, SLANES and NEWTOUN,—and that, in fignne and memorie of the vnnaturall defectioun and rebellioun of the awnaris and poffeffoures thair of for the tyme, aganis God, his Maieftie and his authoritie.'

(Oct. 23.)—'The CAPITANES and Commandaris of his Maieftis horfemen and futemen falbe anfuerable to the inhabitantes of THE BURGH OF ABIRDENE, for payment to thame of the ordinair chargeis and expenffis of the personis vndir thair charge,' &c.

(*Eodem die*.)—Act in favour of THE BURGH OF ABERDEEN, abfolving their Provost, &c. for not apprehending and prefenting 'Mr James Gordoun, fadirbruthir to George fumtyme Erll of Huntlie, eftir his landing at the raid and heavin of Abirdene, nor yit for latting to libertie of certane ftrangearis quhilk arryvit and landit with him,'—nor for refetting with declared traitors, &c. 'at the horn for the Murthour and Slauchter of vmq^{le} James Erll of Murray.'

(*Eodem die*.)—'Tuentie ftane wecht of poulder, togidder with certane mat-tokis, gavillokis and vtheres werklwmes and materiallis for dimoliffing and cafting doun of houffes and fortaliceis, valuat and eftimat in the haill' to £548, 6s. 8d. to be reftored to the Burgh of Aberdeen, or the value of fuch as may be loft or destroyed, &c. to be paid.

(Oct. 28, *apud Terrisoule.*)—‘ACT anent the doun-casting of STRATH-BOGIE.’

(Nov. 4, *apud Abirdene.*)—‘CAPITANE THOMAS KER and JAMES KER his bruthir’ ordered to be denounced, for not answering ‘twicheing thair treffoun-able assistance, &c. with *George sumtyme Erll of Huntlie*,’ &c.

(Nov. 7.)—‘ACT, quhair THE BARONIS gaif thair Aithis to assist the Lieutenents.’ The names inserted are ‘Marisshaell, Forbes, Lovat, M^cKanzie, Grant, M^cIntoshe, Buchane, Finlatter, Drum, Innes, Phillorth, Effilmouth, Frendraucht, Straloch, Muchallis, Duffus, Vrie, Corfe, Monymusk, Corfindae, Toquhone young-air, Tutour of Cromartie, Alter, Auchtirallen, Boquhallie, Towy-Barclay, Wardres, Ravynniscrag, Ludquharne, Pitcaple, Pittindreich, Hairthill, Birnes.’

(*Eodem die.*)—‘COMMISSION of Lieutennandrie’ granted to ‘LUDOUIK DUKE OF LENNOX, Lord Darnelie, Tarboltoun, Methuene and Aubigny, his Maiesteis Lieutenant and Justice, within the boundis of the Schirefdomis of Abirdene, Banff, Elgin, Fores, Narne, Inuernes and Cromarty, alsweill to Burgh as landwart, regalitie as ryaltie.’ It is directed chiefly against *the Earls of Huntlie, Angus and Errol*, ‘*Mr James Gordoun, William Ogiluy, Robert Abircrumby*, and all vtheris *Jesuites*,’ &c. and their reseters.

(*Eodem die.*)—‘DECLARATION in fauouris of the Erll Marisshaell and vtheris,’ that the burning and destroying of the place and fortalice of BALLOGY, of the month of October last; and thereafter demolishing the place and fortalice in NEWTOUN, ‘wes and is done be his Maiesteis expres command, allowance and approbatioun.’

(Nov. 8.)—‘WARRANT for making off BANDIS’ is granted to ‘the Baronis, &c. of the North pairtis, alswele for the suirtie of the trew Religioun and of thame selffis and all vtheris professouris thair of, as for resisting of the Invasioun of his Maiesteis declairit traitouris,’ &c. And this, notwithstanding of all Acts to the contrary.

(Nov. 28, *apud Haliruidhous.*)—‘ARCHIBALD ERLL OF ERGYLE promittit, band and oblist him to mak all the personis of *the Surnename of Campbell*, &c. anfuerable to justice; and that he fall ather cause thame satisfie pairteis skaitheit, swa that na complaint salbe ministrat to his hienes; or then entir thame befoir his hienes or his Justice, to vndirly tryall and pvnishment, as effeires;’ ‘conforme to the tennour of the Generall Band, lawis and Actis of Parliament.’

(Dec. 19.)—THOMAS FOULLIS, goldsmith, ordained to retain Jewels belonging to his Majesty, till payment should be made to him of 5900 merks due by the King, ‘for certane chenzeis and goldsmith werk;’ viz. ‘Threttene small diamontis with chattonis of gold; auchtene chattonis of gold sett with rubeis; and fyve grit rubeis sett in chattonis of gold, enamelat reid, quhyte and blak.’

(*Eodem die.*)—‘RATIFICATION of the DUKE of LENNOX COMMISSION, with a pouer to him to grant Remissionis.’

(*Eodem die.*)—CLAUD and ALEXANDER HAMILTON, sons of James H. of Levingstoun, ordained to be denounced rebels; for coming with their accomplices, ‘bodin in feir of weir, of the speciall causing, command, &c. of the said James, and of Agnes Cokburne his spous, betuix tuelff and ane eftir none, to the ffauld of Preiftinche, quhair shamefullie and barbaroullie thay hocheit and flew with swordis seven young ky with calff, sax oxin, and fyve stoittis and queyis of three yeir auld,’ &c. ‘And not content heirwith, thay come, vpoun the xxv of November last, furth of the place and Peill of Levingstoun to the place of Bynnis, quhair Patrik thair eldar bruthir duellis, and thair, efter thay had dynnit (*dined*) and consultit with the said Patrik, thay come to the milne of Philpstoun, pertening to James Lord Lindsay of the Byris heritable, and to David Dundas of Preiftinche in tak and affedatioun, and brak the stanes, quheillis, hopper, huipis and gangand graith of the said milne all in peceis, strak and dang thair millaris, held bendit pistollettis to thair breiftis, and causit thame sweir that thay sould duell na langair at the said milne,’ &c.:—And that ‘vpoun the last day of Nouember, they come to the barneyaird of Dudingstoun and patt fyre in three of the stakkis, of purpois and intentioun to haue brint the haill barneyaird.’ Lord Lindsay of the Bires, and Dundas of Prestinch, appeared personally to pursue the Hamiltons before the King and Council; but they all absented themselves. [See Feb. 3. 1594-5.]

(Jan. 9. 1594-5.)—WILLIAME POLWART, of Rottonraw, ordained to be denounced rebel, for not appearing to answer to a Complaint at the instance of SARA HUNTER, relict of Andro Jouffy, merchant, burges of Edinburgh: That upon Dec. 23 last, he ‘with vtheris his compliceis, bodin in feir of weir, come vndir cloude and silence of nicht to the complenaris duelling place, within the burgh of Edinburgh, quhair sho wes, &c. and eftir that the said Williame had craftelie gottin hir yett oppin, he appointit ane nowmer of his compliceis to awaitt at the said yett, to impede and stay all those quha sould happin to cum to the said complenaris releiff; and he him selff, with the rest of his insolent compliceis enterit within hir house, and be ane verie barbarous and vncumelie behauour, did quhat in thame lay to haue revissed hir, and to haue caryed hir with thame quhair thay pleisit, and to haue rubbit and spuilzeit hir house; quhilk they had not faillit to haue done, wer not be the Prouidence of God sho wes deliuerit of that dangeir, be the help of sum of hir nichtbouris.’

(Jan. 19.)—‘PROCLAMATIOUN that nane cum to the Conventioun or place of his Maiesteis residence, bot sic as ar writtin for.’

(*Eodem die.*)—‘THE KINGIS Declaratioun, anent THE LAIRD OF JOHNNE-

STONIS PLEGEIS.'—That 'in cais ony persone of the name of Johnnestoun, or vtheris for quhome certane plegeis ar now enterit, fall commit stouth-reiff, oppressioun or blude, in thair thifteous deidis; or contravene any of the conditiones for the quhilk thay ar now enterit, at ony time heireftir,' if the principal party committer of the theft, &c. be not given up 'to ansueir for thair awne deid, and to vndirly tryale and pvnishment thairfoir, as appertenis, within xv dayis nixt eftir requisitioun,' 'the plege or plegeis of that branche or brancheis swa offending, to be execute to the deid:' And that Sir James Johnnestoun of Dunkellie kn^t, and Sir Walter Scott of Branxholme kn^t, ('quha hes gevin Band for fulfilling of certane conditiones') 'falbe haldin to enter vther plegeis,' &c.

(Feb. 3.)—JAMES HAMMILTOUN of the Peill (of Levingstoun,) Agnes Cockburn his spouse, and James, John, Claud, and Alexander, their sons, were 'denunceit rebellis;' (See Dec. 19, 1594.) and Alexander Cockburn and Hector Lokhart, their servants, were also ordained to be denounced rebels, for not answering a complaint at the instance of 'James Lord Lindsay of the Byris, David Dundas of Prestinche, and John Yallowleis, Messinger (at arms): That upon the xiiij January last, the said Johnnie Y. accompanied with Michael Bynnie seruand to the said Lord, and Thomas Huttoun seruand to the said David, as witneffis to him, with foure seuerall Letteris and chargeis; and hauing past to the Place of the Peill, and at the yett thairof, the said Agnes, &c. cwming furth at the said yett, take the said messinger be the craig (*throat*), struck him vpone the heid, armes and shoulderis, and gaif him mony bauch straikis with pistollettis; held bendit pistollettis to his breist, causit thame to sweir neuir to vse ony Letteris agains thame; and in end, with mony threatningis and minassingis, in ane verie barbarous and vncouth maner, forceit the said Messinger to eit and swallowie the haill copyis of the saidis Letteris, and take the principall Letteris frome him; and thaireftir, shamefullie and cruellie dang the said Witneffis with bendit pistollettis and quhinzearis, and left thame for deid: The lyke of quhilkis shamefull and presumptuous insolenceis hes sendle bene hard of in the In-cuntrey; the preparatiue quhairof will not fail to breid a greitair contempt of all law and justice, throuch the haill realme, giff this be sufferrit to pas ouer vnpvnist.'

(Feb. 4.)—PROCLAMATION 'anent the shuiting with hacquebutis and pistollettis.'

(Feb. 11.)—*The* SUBSCRIPTIONIS *off the* FOIRFALTIT LORDIS *recognosceit.* FORSAMEKLE SCHIR JAMES SCOTT of Baluery, knicht, being suspectit and dilaitit of trafficque and intelligence with his Maiesteis declairit Tratouris, rebellious and vnnaturall subiectis; and thaireftir taken, apprehendit, and at last committit to warde, and findrie tymes examinat thairvpoun; in end, he planelie confessit and declairit, That in the moneth of August lastbipast, he, being in cum-

panie with WILLIAME sumtyme ERLL OF ANGUS, GEORGE sumtyme ERLL OF HUNTLIE, FRANCIS sumtyme ERLL BOTHUILL, FRANCIS sumtyme ERLL OF ERROLE, GEORGE ERLL OF CAITHNES and vmq^{le} SCHIR PATRICK GORDOUN of Auchindoun kn^t, in ane Oistlair-hous, besyde the Kirk of Menmure; thair wes produceit be the said sumtyme Erll of Angus, certane Heidis and Articles, altogiddir writtin with his awin hand, quhairupoun ane Band wes appointit to be maid : Quhilkis, eftir thay wer red in thair presens and audiens, and had aduifit, consultit, concludit and aggreit thairupoun, at last thay all subscriuit the same with thair awne handis; lyke as, the said Schir James gaif his subscription thairto, as witnes : Quhilkis Heidis and articles being thaireftir committit to his custodie and keiping, he laitlie produceit and delyuerit the same to his Maiestie; be quhome, and be the Lordis of his Secreit Counsaile and Seffioun, and certane vtheris best acquaintit with thair hand-writtis and subscriptionis, the same being sene, confidderit and tryit, and thaireftir compairit and conferrit with vtheris thair hand-writtis and subscriptionis, THE KINGIS MAIESTIE and the saidis Lordis hes Recognosceit, and as thay weill and treulie vnderstand, Recognosceis the Subscriptionis of the saidis Heidis and Articlis, quhairupoun the said Band wes appointit to be maid as said is, to be the verie subscriptionis and hand-writtis of the personis particularlie aboue mentionat. And for the bettir resolution and satisfacioun of his Maiesteis gude subiectis heiranent, Ordanis ane Act to be maid heirupoun, *ad futuram rei memoriam*.

(Sic subscribitur) JAMES R. EX CERTA SCIENTIA.

J. T. CANCELLARIUS. MAR. ORKNAY. J. L. LINDSAY. ALEX. L. HWME. FLEMING. ALLANE LORD CATHCART. THO. M^r GLAMMIS. BLANTYRE. NEUBOTTLE. R. SECRETARIUS. LINCLOUDEN. ALEX. HWME. TRACQUAIR. CULLUTHY. (David Seton of) PARBROITH, comptrollair. S. JO. HWME (of Spott). P. YOUNG.

(*Eodem die*.)—JOHNNE ERLL OF MONTROIS and . . . MAISTER OF MONTROIS find caution (Sir Johnne Murray of Tullibairdin) 'that thay fall compeir personallie, befor the Kingis Maiestie and Lordis of Secreit Counsaile, and ansuer and vnderly sic ordour as salbe prescryuit to thame, tuicheing the lait vnhappy accident quhilk fell oute betuix thame and thair freindis, on the ane parte, and THE LAIRD OF CALDER and SCHIR JAMES SANDIELANDIS of Slamannane Maister knight, thair kin and freindis vpoun the vther parte, vpoun the last day of Januar lastbipast; the Earl under the pain of £2000, the Maister under the pain of 2000 merks.

(Feb. 12.)—ACT against JAMES DOUGLAS, sometime of Spott, that 'not onlie deseruis the said James Douglas maist rigorous and extreame punishment, for thir particulair, besydis the formair crymes for quhilkis he wes foirfalt; bot the censuris of the Kirk aucht to proceed aganis him,' &c.

(Feb. 14.)—ANDRO MAKFARLANE of Arroquhair, Andro Dow M. and Malcolm Beg M. to be denounced rebels, for not appearing, to haue vndirlyne sic ordour as sould haue bene prescriuit to thame, tuicheing the obseruatioun of his hienes peax, quietnes and gude reule in the cuntrey,' &c.

(Feb. 17.)—ACT 'anent the DUKE OFF LENNOX proceedingis in the North;' and 'exonereng' him and his counsellors, as having discharged their duty faithfully.

(*Eodem die.*)—ACT 'anent dimoleiffing of the Place, houffes and Fortalice of the CRAIG, pertening to Johnne Ogiluy.' Patrick Lord Gray and Patrick Master of Gray, got full Commiffion, as Sherifs-principal of Forfarshire, to take all necessary steps for that purpose.

(Feb. 28.)—Harie Steuart of Cragyhall becomes surety for the entry of JAMES SANDIELANDIS of Calder, &c. (See Feb. 11.)

(Mar. 5.)—JAMES MASTER OF OGILUY finds surety (David O. of Quhytefeild,) that he shall not supply, refet nor intercommune with 'Johnne Ogiluy of Craig, nor na vtheris his Maiesteis declairit tratouris and rebellis,' &c., under the pain of 2000 merks. He is denounced rebel on Mar. 27.

(Mar. 15.)—ACT against his Majesty's Traitors and rebels.

(*Eodem die.*)—PROCLAMATION against refetting, supplying or intercommuning with declared Traitors, &c.

(Mar. 26. 1595.)—'PROCLAMATIOUN that nane transporte ERLIS OF HUNTLIE and ERROLE within this Kingdome.'

(Mar. 28.)—DAME JEANE GORDOUN, COUNTESSE OF SUTHIRLAND, finds surety, under the pain of 2000 merks, that she shall not refet, supply nor intercommune with any of his Majesty's declared Traitors, &c.

(Jun. 18.)—PROCLAMATION, 'that nane *furneis* THE REBELLIS IN IRLAND.' 'Forfamekle as ANGUS MAKONEILL of Dunnyveg and Glennis, and DONALD GORME of Slaitt, accompaneit with a nowmer of rebellious and disobedient subiectis, inhabitantis of the Ilis, ar myndit, as the Kingis Maieftie is informit, to transporte thame selffis ouer to Irland and to joyne with the ERLI OF TYRREWNE, ODONEILL and vtheris of the rebellious people of that land, for troubling of the quyet estait thairof; as alswa, findrie of his Maiesteis subiectis, inhabitantis within the schirefdomes of Lanerk, Renfrew, Dunbartane, Tarbett, Bute, Air, Wigtoun and baillereis of Kyle, Carrik and Cwninghame, daylie furniffes the rebellis of Irland with victuallis, waponis, poulder, bullett and vthir mvnitioun of weir; be the quhilk doing, the peace and amitie standing betuix his Maieftie and his darrest fuster and coufine the Quene of England, thair realmis, dominionis and subiectis may be gritelie endangerit:' Therefore Proclamation is ordered to be made, that the liegis shall in no wise 'affist, tak pairt, ryde, gang,

accumpany, nor yit furneis and fell ony kynd of victuall,' &c. under the pain of Treason.

(Nov. 26.)—PROCLAMATION ‘*anent the arryvaill of strangearis* of that maist cruell and vnmercifull natioun of Spayne and thair adherentis.’ The Clergy are called upon to exhort the lieges ‘to tak this mater in hairt, as that quhilk importis the present dangeir and hafard of thair religioun and conscience, &c.: ‘And to the effect thay may the bettir convene, with ane vniforme mynd in this caus, to vrge all and findrie personis, amangis quhome deidlie feid and eleift¹ is presentlie standing, to subscribe and giff assuranceis ilkane of thame to vthir; and quha refuiffis, to reporte the samin to his Maiestie; quhairthrow his hienes may tak ordour with thame as appertenis.’

(Nov. 27.)—PROCLAMATION that the lieges ‘prepair them selffis and be in full reddyne, weill bodin in feir of weir, to mak WAPPONSCHOWINGIS and gif Muftouris, vpoun the secund day of Februaire nixt, in presens of the Schereffis, steuartis, proueftis and baillies of burrowis; ilkane of thame within thair awin boundis.

(*Eodem die.*)—GEORGE MURRAY, sone to Johnne Murray of Spainziedaill, *Robert Hoppringle*, sone to the Gudeman of Quhytebank, *Andro Douglas*, sone to George Douglas, seruand to the Laird of Ceffurde, *Raguel Bennett*, sone to vmq^{le} Mungo Bennett in Chafteris, *Adair*, sone to *Adair* of Kin-hilt, *Kirktown*, sone to *Kirktown* of the Tour, and *Malcolme Cokburne*, sone to , make supplication to the King and Council, ‘That quhair, it is nocht vnknawne, how that thay this langtyme bigane have bene detenit in warde within the tolbuith of Edinburgh, for the vnhappy accident² quhilk fell oute in the persone of WILLIAME SINCLAIR, sone to the Chancellair of Caithnes, be the slauchter of vmq^{le} Johnne M^cMorane, burges of this burgh, quhairof thay and euery ane of thame ar innocent, and ar willing to abyde tryale thair-upoun, befoir ane vn suspect Juge: And becaus the Prouest and Baillies of this burgh, to quhome Commiffioun wes given, to juge vpoun the saidis complenaris, wer partiall, thay being in effect baith juge and pairty, it pleisit his Maiestie, vpoun thair Supplication gevin in heirupoun, to ordane M^r Mark Borthuik, Justice Depute, to sitt with the saidis Prouest and Bailleis, vpoun Mononday the xxvij of October last, and to putt thame to the knaulege of vn suspect Affise, the maist halff of thair peiris, they being all for the maist parte the sonis of Baronis and gentilmen, and to proceid and minister justice vpone thame, conforme to the lawis and pratique of this realme: At quhilk day, thay being enterit vpoun

¹ Rancorous grudge or offence; literally an eye-sore; what hurts or offends the eye. ² See the spirited account given of this affair of the Insurrection of the Boys attending the High School of Edinburgh, (in consequence of the Magistrates denying them their usual ‘privilege’ of a day’s play, &c.,) in the Extracts made from the Diary of Robert Birrell, which immediately follow these selections.

pannell, befoir the saidis Prouest, bailleis and Justice depute, thair tryal wes continewit to the morne thairefter, the xxviij day of the said moneth; at quhilk day, albeit they micht have justlie declynnit the saidis Prouest and bailleis, and had mony gude argumentis of law and pratique to have preferuit thame fra the tryale of ane Affise, yit thay be thair freindis and prolocutouris, freelie offerrit thame selffis to tryale, prouyding that ane condigne and vnsuspect Affise wer gevin to thame, viz. of Gentlemen outwith the toun of Edinburgh, according to his Maiesteis ordinance; quhilk being refuiffit, thay wer compellit to vse thair lauchfull defenffis: Quhairupoun the saidis Juges, perceaving that thay could not gett thair intent aganis the saidis complenaris, and mynding na thing ellis bot to wearie and wrak thame with expenffis, thay continewit thame to the fourte of Nouember: and vpoun that day, maid ane new continewatioun; quhairby it is euident, that thay intend to hald the saidis complenaris in continewall warde; and ather to compell thame to becwm in will for that cryme, quhairof they ar innocent, or then to submitt thame selffis to ane Affise of the burgeffis of this burgh, quha will not faill maist partiallie to proceid aganis them,' &c. Having heard parties, the King, 'with auise of the saidis Lordis, Ordanis the saidis persewaris to be putt to the knaulege of ane Affise of thair peiris, of landit gentlemen duelland outwith the burgh of Edinburgh, for the crime foirsaid; within the tolbuith of Edinburgh, vpoun the first day of December nixtocum, in presens of M^r Mark Borthuik, Justice depute, to quhome his Maiestie adjoins Schir Robert Meluill of Murdocairnie, kn^t, thesaurair depute, M^r Johnne Skene, clark of Register, and Schir Johnne Carmichael of that Ilk, kn^t. to be Assessoris; secluding all vtheris assessoris,' &c. With certification, that if appearance is not made against them, they should be put to liberty, on finding caution, &c.

DISCHARGE *of a* LETTER *granted to the* COUNTESS OF BOTHWELL.

(Nov. 29.)—FORSAMEKILL as the Kingis Maiestie laitlie subscriuit and past ane Letter to DAME MARGARET DOUGLAS, sumtyme COUNTESSE OF BOTHUILL, movit thairunto vpoun hir humble sute, and prostrating of hir selff in his hienes way and presens; quhilk Letter, as his Maiestie is informed, scho immediatlie thairefter, not onlie causit proclame in findrie pairtis of this cuntrey, and thairby tuke occasioun to resortie publictly quhair scho pleisit; lyke as, a grite number of persones hes resortit and intercommonit with hir senfyne: Bot als, scho hes directit and had intelligence of lait with Frances sumtyme Erll Bothuill, hir spous, in the realme of France, vanelie vanting of hir credite at his Maiesteis handis, and perswading him of that fauour; quhilk, in respect of his monstrous factis, is not to be luiked for; nather is it nor wes it his hienes meaning, that the said Letter sould haue bene proclameit, nor sho tane sic libertie thairby, as sho

hes done ; bot onlie, fould haue feruit for remaning of hir felff and hir bairnis within the place of Mostour, that hir freindis nicht sumtyme haue resortit to hir, without dangeir of his hienes lawis : And thairfoir, feing sho hes safar abusit his Maiesteis fauour, grantit to hir be the said Letter ; his hienes, with aduise of the Lordis of his Secreit Counsale, hes annullit and discharget and be thir presentis annullis and dischargeis the same Letter and contentis thairof, *simpliciter*, in tyme cwming ; ordaning the same to ceis and to haue na forder force nor effect at ony tyme heireftir. And that Letteris be direct to mak publicatioun heirof, be oppin proclamatioun at the mercat croceis of Jedburgh, Kelfo, Hawik and all vtheris placeis neidfull ; quhairthrow nane pretend ignorans of the same.

(Apr. 1.)—PROCLAMATION ‘ *aganis trafficquing with STRANGEARIS*, ’ ‘ except it be betuix marcheant and marcheantis, in materis concerning marchandice allanerlie, without the speciall aduise, licence and consent of his Maiestie had and obtenit thairto, vndir the pane of deid.’

(Dec. 2.)—PROCLAMATION for assembling of the lieges at the Towns of Leith, Inverkeithing and Bruntisland, St Andrews, Dundee, Montrose, Inverness, Cromarty, Kirkcudbright, and Air, ‘ weill bodin in feir of weir, to repair vpoun the first aduertisment, vndir the command of the schirreff of ilk shyre, and sic vthiris as the same schereff, with aduise of the Baronis within the boundis particularlie aboue mentionat, fall cheis to that effect, to the said townis, to joyne with and supplee the fute-forceis, in resisting to the landing of the Ennemy, in thay pairtis ; vndir the pane of tinsale of lyffe, landis and guidis.’

(Dec. 3.)—PROCLAMATION ‘ that nane accompany THE ERL of MAR and LORD LEVINGSTOUN to thair day of law.’ It is staid that ‘ as it is vnderstand to the Kingis Maiestie and Lordis of his Secreit Counfall, that thair is a grite nowmer of his hienes liegis, of all esteatis of personis, quhilkis ar warnit and requirit be Johnne Erll of Mar Lord Erskin, Alexander Forrestair of Garden, and vtheris the kin and freindis of vmq^{le} Dauid Forrestair, burges of Striuling, on the ane parte ; and Johnne Levingstoun youngair of Dunnypace, . . . Bruce youngair of Airth, and certane vtheris thair colligis, on the vther parte ; to be present at ane dyet appointit to be haldin within the tolbuith of Ed^r, vpoun the xx day of December instant, for thair vnderlying of his hienes lawis, for the Slauchter of the said vmq^{le} Dauid : Amangis quhilkis personis, thair being deidlie feid and contrauerfie presentlie standing, at the leift amangis a grite nowmer of thame, it is to be feirit, that vpoun the first occasioun of thair meiting, sum grite inconuenient fall fall oute, to the brek of his hienes peax,’ &c.

(Dec. 10.)—ACT ‘ anent THE DERTHE.’ The King and Council ‘ being wonderfullie movit at the present derth of all fortis of victuall, this seasoun of the yeir, vniuersallie throu all pairtis of this realme, and the grite penurie and in-

digence quhairunto the puir handy-labouraris, and vtheris his hienes subiectis of all esteatis ar redactit be that occasioun, the same derth still daylie increffing, and fosterit, pairtlie be the auaritious gredynes of a grite nowmer of personis that hes bocht and byis victuall afoir it cum of the ground, and that foirstallis and keipis the same to a derth, and pairtlie, by the shameles and indiscreit behaviour of the ownaris of the same victuall, quha refuiffis to thresh the oute and bring the same to oppin mercattis,' &c. It is therefore declared, that after Proclamation made, all forestallers, &c. shall be strictly punished, in terms of the statutes, and their victual 'escheated' to his Majesty's use. All costly apparel, banquetings, &c. are deprecated; and it is declared that the former Acts relative thereto shall be strictly enforced.

(Dec. 11.)—THE King and Council, 'with the speciall auise and consent of SCHIR JAMES JOHNESTOUN of Dunskellie kn^t, being personallie present, frethis and releuis *all PRISONARIS takin be him*, his freindis, assistaris and pairt-takaris, *at ony of the lait Conflictis* quhilkis happynnit to fall oute betuix thame and *the surname of MAXWELL*, thair freindis, &c.: As alsua, Dischargeis all Bandis, Obligationis, or vtheris securiteis quhatsumeuir made be thame or ony of thame, to the said Schir James Johnnestoun, his freindis, &c. ather for thair entree agane, vpoun certane dayis wairning, payment of sounes of mony in name of Ranfoim: Decerning the same Bandis to be null,' &c.

(Dec. 23.)—'CHARGE AGANIS PERSONIS VNDIR DEIDLIE FEID,' to appear before the King and Council 'at Haliruidhous;' and 'that they keip thair ludgeingis eftir thair cuming, quhill thay be speciallie send for,' &c. 'Thay ar to say, ROBERT MAISTER OF EGLINTOUN and PATRIK HOUSTON of that Ilk, to compeir personallie; the said Maister accompanied with his freindis, not exceeding the noumer of threescoir personis, and the said Patrik not exceeding the noumer of xxiiij personis,¹ vpoun Jan. xv nixttocum: JAMES ERLI OF GLENCAIRNE and . . . CUNYNGHAME of Glengarnok, vpoun Jan. xvj: JOHNNE ERLI OF MONTROIS and FRANSHE of Thoirnidykis, on Jan. xxvij: HEW CAMPBELL of Lowdown, schereff of Air, . . . SANDIELANDIS of Calder, and SCHIR JAMES SANDIELANDIS of Slammannan, Mr . . . CRAUFURDE of Kerse,² and . . . SPOTTISWODE of that Ilk, vpoun Jan. xxvj: DAVID ERLI OF CRAUFURDE, and . . . GUTHRIE of that Ilk, vpoun Feb. viij: SCHIR THOMAS LYOUN of Auldbar kn^t, and . . . GAIRDIN of that Ilk, vpoun Feb. x: ALEXANDER LORD LEVINGSTOUN, SCHIR ALEXANDER BRUCE eldair of Airth, and ALEXANDER COLQUHOUN of Lufs, vpoun Feb. xvij: JOHNNE ERLI OF MAR, ALEXANDER FORRESTAIR of Garden,

¹ The number of followers allowed in the other instances are in the same proportions, according to the rank of the respective parties.

² Altogether not exceeding the number of sixty persons.

and ANDRO MAKFARLANE of Arroquhair, vpoun Feb. xx: JAMES LORD BORTHUIK, . . . PRESTOUN of Craigmillar, Mr GEORGE LAWDER of Bafs, and CHARLIS LAUDER fone and air of vinq^{le} Andro Lauder in Wyndpark, vpoun Jan. v: SCHIR JOHNNE EDMESTOUN of that Ilk, and Mr WILLIAME CRANSTOUN appeirand of that Ilk, vpoun Jan. vij: GEORGE ERLI MARISHAEL, and . . . SEYTOUN of Meldrum, vpoun Mar. i: JAMES CHEYNE of Straloch, and WILLIAME KING of Barrauch, vpoun Mar. iij: JAMES TUEDY of Drummelzeair, vpoun Mar. x: CHARLIS GEDDES of Rauchane, vpoun Mar. xij:—To vnderly sic ordour as falbe prescriuit, tuicheing the removing of the saidis ffeidis, &c. With certification, that if they fail, ‘thay falbe repute, haldin and perfewit with fyre and fwerd, as inemeis to God, his Maiestie, and to the commoun wele and quietnes of this thair natie cuntry, with all rigour and extremitie.’

(Dec. 25.)—Mr JOHNNE MACKANZIE, Minister at Vrra, ordained to be denounced rebel, for not appearing, to answer a charge at the instance of *Alexander Bane of Tulloch*, and *Alexander Bane*, (younger) ‘fear’ of Logy, ‘for his insolenceis, oppin and manifest oppressiounis committit vpoun thame; as namlie, be ressett and huirring within his house, of *Johnne McGillichallum Rasa*, ane commoun and notorious theiff and lymmair and denunceit rebell, be oppin and avowit thift, in the moneth of May last; quha come to the said M^r Johnis house, vpoun sett purpos and prouisioun to ly derne (*hid*) and quiet thair, quhill he nicht find the commoditie to murdreis Hucheon Makconeill Bane and Duncane Bane, fone to the said Alexander Bane youngair: Lyke as, eftir he had remanit with the said Mr Johnne the space of xlvij houris, vpoun fuir knaulege had be the said Maister Johnne of his barbarous and wicked intentioun, he come furth of the said house, vndir filence of nicht, be the said M^r Johnis preuitie and foir-knaulege, to the duelling place of the said Hucheoun Makconeill Bane, of sett purpos and prouisioun to haue execute his barbarous and wicked intentioun; quhilk he had not faillit to haue done, wer nocht the said Hucheoun, getting sum informatioun of his intentioun, convoyed him selff with the said barne away: And senfyne, the said M^r Johnne come to the said complenaris landis of Vrra, and cuttit his plewis and rigwiddeis; and thairby, and be vtheris the lyke oppin and manifest oppressioun, hes layd and haldis the saidis landis waift,’ &c.

(Jan. 12, 1595-6.)—MR WILLIAME CRANSTOUN appeirand of that Ilk, ordained to be denounced rebel, for not entering ‘his persone in warde, within the Castell of Thomptalloun,’ in terms of the command issued by the King and Council, on Jan. 9.

(Jan. 15.)—JOHNNE HALDEN, dagmaker and others, to be denounced rebels, for not answering ‘tuicheing the Riot committit be thame laitlie, vpoun the . .

day of Januair instant, aganis the Prouest and Bailleis of the Burgh of Edinburgh, in thair convoy and taking to warde of *James Lord Borthuik*.'

(Jan. 17.)—JAMES ERLI OF GLENCAIRNE ordained to be denounced rebel, for not appearing before the King and Council, 'tuicheing the removing of the ffeid and contrauerfie standing betuix him and *Robert Maister of Eglintoun* and his freindis.'

(Jan. 28.)—JOHN and ALEXANDER FOSTER (FORRESTAIR) 'fones to the Laird of Garden, Alexander Forrestair of Myethill and Walter F. sone and appeirand air to Duncane F. of Puldoir,' to be denounced rebels, for not appearing before the King and Council, for coming with their accomplices, on Dec. 30, 'bodin in feir of weir, with daggis, pistollettis, &c. to Johnne Roifhill officiair of armes, being executing Letteris of Hoirning aganis Alexander Forrestair of Garden, and certane vtheris parrochionaris of the Ruid-Kirk of Striuling, the said officiair being in the very meantyme, of the reiding the same Letteris, publictlie, at the mercat-croce of the burgh of Striuling; pullit him down af the same croce, dang him with pistollettis on the heid, and with the gairdis of thair swardis, and cruellie hurte and woundit him in diueris pairtis of the body, to the effusioun of his blude in grite quantitie; and thaireftir, violentlie and perforce rest the same Letteris, and thair raif thame all in peceis; in hie and proude contemptioun of his Maiesteis auctoritie and lawis.'

(*Eodem die.*)—PROCLAMATION, that none of the liegis 'ressett, supplee, shaw fauor nor intercommune' with 'THE FORRESTAIRIS;' under certification, that they 'salbe apprehendit, persewit and pvneist, with na les rigour and extremitie to the deid, nor (*than*) gif thay had ressett Frances sumtyme Bothuill,' &c.

(Jan. 29.)—JAMES CUNYNGHAME appeirand of Glengarnok, ordained to be denounced, for not 'compeiring personalie' before the King and Council, 'tuicheing the removing of the ffeid standing betuix him and *Schir Patrik Houstoun* of that Ilk kn^t and his freindis,' &c.

(Feb. 5.)—PROCLAMATION for a general Wapponshawing, on May 5. 'Marcheantis-trafficquaris in vtheris cuntreys,' are commanded 'to by, prepar and bring hame corslettis, pickis, murronis and all vthir kynd of armour; sell and mak penny thairof to all his hienes subiectis, vpoun resfounable pryceis.' It proceeds on the narrative 'of the preparatioun and intentioun of mercyles strangearis, to arryve in this Iland this nixt spring, for moving of a publict wear aganis God, his trew Religioun,' &c.

(Feb. 12.)—On the complaint of THE COUNTESS OF EGLINTOUN (Dame Helen Kennedy,) Hugh Earl of Eglintoun, only lawful son of the deceased Hugh Earl of E, Robert Master of Eglintoun his Tutor, and the kin and friends of

the late Earl, ' That quhair, the said vmq^{le} Erll, being maist shamefullie and cruellie slane be Johnne Cunynghame of Ross, bruthir to James Erll of Glencairne, Alexander C. callit of Poquhene his seruand, Alexander C. of Aikatt, Williame C. his bruthir, Patrik C. in Bordland, Johnne and David Maxuellis, brethir to Patrik M. of Newark, and Johnne Ryburne, vpoun sett purpois, prouisioun and foirthocht felony, the saidis complenaris persewit thame for the same slauchter, criminallie, befor the Justice and his deputis; and thay, takand the cryme vpone thame, absentit thame selffis frome tryale, and wer thairfoir denunceit and registrat at the horne; quhairat maist contempnandlie thay remanit diuers yeiris thaireftir, quhill now of lait, as the saidis complenaris ar informed, that the saidis personis hes purchest ane Remissioun or Respett for the said slauchter, quhairby thay intend to tak away the saidis complenaris lauchfull persute; sua that in steid of justice, quhilk thay euir luiked for, conforme to his Maiesteis solempne vow and promise maid to that effect, thay ar now movit to lament to his hienes the want of justice, throu the said Respett or Remissioun,' &c. They farther state, that there has been ' na assyithment nor satisfaction maid to the saidis complenaris for the said slauchter, nor Letter of Slanis grantit thairupoun; ' and that therefore, in terms of the Acts of Parliament and Secret Council, and ' ane louable pratique past in the lyke caise, at the instance of the relict and ten faderles bairnis of vmq^{le} Luk Struiling of Baldorane, aganis Thomas Kincaid and Johnne Jak his seruand,' the Respite or Remission was *ipso facto* null.—Robert Master of Eglinton having appeared for the complainers, and James Earl of Glencairn and William Cunningham of Caprington for the defenders, the King and Council remitted ' this mater, to be decydit befor the Justice or his deputis, as accordis of the law.'

(Feb. 21.)—PROCLAMATION regarding ' THE SPANISHE PREPARATIOUN to arryve in this Iland, for moving of a publick wear,' &c.; charging all the lieges within the ages of 60 and 16 ' to be in full reddynes,' within 24 hours, ' to convene and repair to sic pairtis and placeis as thay salbe aduirteist,' &c.

(May 21, 1596.)—SIR JAMES JOHNNESTOUN of Dunskeillie kn^t. ' as maister, landisflood or cheiff to Johnne, James and Williame Johnnestonis, brethir, in Haisliebray, Niniane J. in Rowantrie-know, and Williame J. sone to James J. of Haisliebray, for quhome he is obleist to anfuer be the General Band,' &c. is ordained to be denounced rebel, for not appearing and presenting these persons to have answered, ' tuicheing the shamefull, cruell and vnmercifull slauchter of vmq^{le} Mr Williame Johnnestoune, Persone and Minister at Lochmaben; committit be thame laitlie, vpoun the fourte day of Marche last.'

(May 22.)—PROCLAMATION for THE ILIS.—THE KINGIS MAJESTIE, his Nobilitie, Counsaill and Esteatis presentlie conuenit, CONSIDDERING the proude

Rebellioun, defectioun and disobedienc of the Inhabitantis of THE ILIS and HIELANDIS of this realme, subiect for the maist parte, thir mony yeiris bygane, to all kynd of insolence, barbaritie and crueltie, not onlie in committing of vyle and beistlie Murthouris, Slauchteris, reif, thift, oppin heirschippis, opprefionis and depredationis vpoun his Maiesteis peceable and gude subiectis, inhabitantis of the cuntreyis nixt adiacent; bot euery ane of thame maist vnnaturallie puttand violent handis in vther, besydis innumerable vtheris tressounable, monstros and odious crymes, committit be sum of the cheiff personis, inhabitantis of the saidis Ilis; ffor the quhilk, the sentence of Foirfaltour is led aganis thame; quha nochtwithstanding remanis peceable in the cuntrey, without feir of God or of his Maiestie, nawayes acknaulegeing thair offens, nor yit his hienes as thair souerane lord and King; nather payand thair mailles and dewities, exactiones and custumes to his Maiestie, his Comptrollair and ordinair officiairis; the same mailles and dewiteis and custumes being a grite part of his hienes propirtie, rent and patrimonie of his crowne, quhairupoun his princelie porte and estate fuld be sustenit: AND thairfoir, his Maiestie is resolut to repair, in propir persone, to the saidis Ilis and Hielandis, with all conuenient expeditioun, for abandouning and reduceing of the saidis rebellious, vnnaturall and disobedient personis, to the acknaulegeing of his hienes and his lawis; and compelling of thame to mak payment of his Maiesteis propir rentis and dewiteis, in tyme cuming: For quhilk purpois, necessar it is that his hienes be weill and substantiouse accompanied, with a force of his faithfull, loving and gude subiectis; and thairfoir, his Maiestie, with aduise of his Nobilitie, Counfall and Esteatis foirsaidis, Ordanis Letteris to be direct, chargeing all and findrie Erllis, Lordis, Baronis, fewaris and freehaldaris, betuix saxtie and saxtene yeiris, vailzeant (*worth*) in yeirlie rent the sowe of three hundreth merkis, ather in heritage or annualrent, within the boundis of the haill sherefdomis, steuartreis and baillie-reis within the realme, togidder with the inhabitantis of burrowis within the saidis boundis, allweill regalitie as ryaltie, be oppin Proclamatioun, at the mercat-croces of the same burrowis; that thay and ilkane of thame, weill bodin in feir of weir, with schippis, crearis, boitis and all vtheris veschellis, and prouisioun, requisite and necessair for transporting of thame to the saidis Ilis, and fra Ile to Ile, within all the boundis of the same Ilis and Hieland pairtis, during all the tyme that thay salbe occupiit in that seruice; addres thame selffis to meit his Maiestie, at the burgh of Dunbartane, vpoun the first day of August nixtocum, prouidit to imbarke and pas fordwart thairfra to the saidis Ilis and Hielandis; and to attend and accompany his hienes, for the space of fourtie dayis eftir thair cuming, to the effect foirsaid; vndir the pane of tinfall of lyff, landis and guidis.

[THE Editor has thus endeavoured to supply, from the most authentic source, a pretty copious Selection of the leading Cases which occurred before the Privy Council of Scotland, during the interval unfortunately vacant in the Records of the Court of Justiciary, through the loss of the Volumes from 1591 to 1596; which period, doubtlessly, occupies an interesting portion of the History of this country. To some of his readers, perhaps, an apology is due, for the insertion of so many State Papers, and of notices of matters, not *strictly* embracing the immediate objects of this Compilation; but, in extenuation of this trespass, it may be remarked, that the leading features of these times were so peculiarly distinguished by open defiance of the King and Parliament, and by the frequent and daring Conspiracies enterprised against the Royal person, as well as by Bothwell's Treasons, and the Popish and Spanish Plots, for the overthrow of the Government and of the Religion of the Country, that such Illustrations as those he has ventured to select, may, by many others, be considered as necessary Historical elucidations, at least as convenient appendages to such a Collection as the present.]

Before closing his Extracts, which are intended in some measure to supply this *hiatus valde deflendus*, the Editor must farther draw upon the valuable stores contained in 'THE DIAREY of Robert Birrel, burges of Edinburghe,' which was, for the first time, given to the public by John Grahame Dalyell, Esquire, in his 'Fragments of Scottish History,' Edin. 1798. The reading has been taken from the original MS. in the Advocates' Library, W. 5, 10. There is also in the same Library, among Wodrow's MSS., (W. 7, 26,) another copy, which is, apparently, a Transcript of the former.]

NOTICES extracted from 'BIRRELL'S DIARY.'

(Sep. 6. 1591.)—THE EARLL OF BOTHUELL made a stoure in the ABAY OF HOLYROUDHOUSSE, quho came in over the hous in the South syde of the Palace; and the said Earll, taking too grate presumption, he, with his complifess, strake vith ane hammer at his Maiesties chalmber dore: And, in the meane tyme, the haill noblemen and gentlemen of his Maiesties housse raissè, quho thought to haue taken the said Earll Bothuell and his complices. The said Earle fled; yet he returned at the South syde of the Abay, quher the said Earll and his complifess slew his Maiesties Maister Stabler, named Villiam Shaw, and one vith him, named M^r Peeiter Shaw. Bot the King's folks took 8 men of Bothuill's factione; and one the morrow, hangit tham all, vith out ane Assyffe, betuix the Girth crosse and the Abay gaite.¹

[1591,
Sep. 6.]

(Dec. 28.)—THE King's Maiestie came to St Geill's Kirk, and ther made ane Oratione, anent THE FRAY made by BOTHUELL, and WILLIAM SHAW'S SLAUGHTER, hes Maister Stabler.

(Feb. 7, 1591-2.)—THE EARLL OF HUNTLY came to the hous of Dunibristole in Fyffe, quher THE EARLL OF MURRAY, vith a few nounter, wes for the tyme, being his auen housse. The chieffe

¹ 'This tumult was called the first Road of the Abbey.'—*Sir James Balfour's Annals*, I. 390.

[1591-2,
Feb. 7.]

mane that ves with him ves Dumbar shriffe of Murray. The Earll of Huntley¹ sett the said hous in fyre: The Earll of Murray being vithin, vift not quhither to come out and be slaine, or be burned quicke; yet, after advysment, this Dumbar says to my Lord of Murray, 'I vill goe out at the gaitt befor your lordshipe, and I am four the peopell will chaarge one me, thinkeing me to be your lordschip; sua, it being mirke vnder night, ye fall come out after me, and looke if that ye cane fend for your selue.' In the meine tyme, this Dumbar, Tutor to the shriffe of Murray, came furth, and rane disperatly amonge the Earle of Huntlies folks, and thay all rane vpone him and presently slew him. During this broylle vith Dumbar, the Earll of Murray cam running out at the gaitt of Dunebrissell, quhilk stands besyde the sea, and ther fate him doune amonge the rocks, thinking to have beine saue; bot unfortunatly the said Lord's cnapescull-tippett, quherone ves a silk stringe, had taken fyre, vich bewrayed him to hes enimies in the darknes of the night, himselue not knowing the fame; they came doune one him on a suddaine, and ther most creuelly, without mercey, murthered him.²

Feb. (12?)—AT quhilk tyme, one CAPITANE JOHNE GORDOUNE, takin upon the 12 of Februarij: Himselue wes headitt, and hes man was hangitt.

(Feb. 28.)—RICHARD GRAHAME wes brunt at the Croffe of Edinburghe, for Vitchcrafte and Sorcery.

(Mar. 18.)—ANE Proclamatione, that THE YOUNG EARLL OF MURRAY should not perfew THE EARLL OF HUNTLY, in respect he, being vardit in the Blacknes for the fame Murder, wes villing to abyde ane trayell, saying, that 'he did nothing bot by hes Maiesties Commiffione, and sua ves nather airt nor pairt of the Murther.'

(May 12, 1592.)—THE EARLL OF BOTHUELL and hes complices ver denuncit rebels and summond to the Parliament quhilk ves to be haldin at Edinburghe, the 12 day of Julay; quherin the said Earle, with all his quhole complices, wer all of them forfaitted.

(Jul. 17.)—THE EARLL OF BOTHUELL, with his complices, made a FRAY AT FALKLAND, hes Maiestie being ther: And thereafter, hes Maiestie cum over the vatter. And vpone the 26 day of this fame mounthe, hes Maiestie made ane Oratione concerning the fame, in the grate Kirke of Edinburghe. Imediatlie after the ffray, Bothuell and hes men came ouer the vater; and ther ver 18 of them taken in Cader-mure, and in vther pairts neir Cader-mure, laying sleiping, for vant of rest and interteinment; and immediatly after ther taking, they were all brought to Edinburghe and hangitt.

(Jul. . . .)—AT the fame tyme the LAIRDS OF NIDRIE and SAMUELSTONE, ver takin by Johne Lord Hamiltone, and vardit in the Castell of Draffin, and came to Edinburghe, thinking to haue gottin grace to them from his Maiestie. He came doune to hes Maiestie's ludging at the Nether-bow, and going in to Mr Johne Laings hous, quher hes Maiestie lodgett, the gaurd standeing aboue the port vith ther hagbutts, guns and uther veapons; the forsaide gaurd, feing my Lord Hamiltone, for honor of his Lordschipe, shott ane volley at my lord: Ther wes ane man, speiking to hes lordschipe, shott through the head; ane vther, by him, shott through the legge; and ane bullet strooke the lintell of the gaitt, iust aboue my lord's head quher he stode; yet no more harme doune: So that, by meir accident, the said Lord Hamiltone had most haue beine slaine, and not through aney euill vill. The Lord Hamiltone, feeing that he could gett no grace to the said tuo gentlemen, he sent vord to hes bastard sone Schir Jobne, quho convoyed the said tuo gentlemen away, and vent vithe them him selue, for their more saftey.

(Jul. 31.)—FRANCIS HAY EARLL OF ERROLE ves put in vard in the Castell of Edinburgh, for Papistry.

(Oct. 18.)—THE EARLL OF ANGUS vardit for Papistry.

(Nov. 7.)—HES Maiestie did receaue againe THE LAIRD OF NIDRIE in his fauor, and restorit him to his former dignity and estait.

¹ 'It (was) giuen out and publickly talked, that the Earle of Huntley was the only instrument of perpetrating this facte, to satisfie the Kingis jelosie of Murray; quhom the Queine, more rashlie then wyslie, some few dayes before, had commendit in the King's heiringe, with too maney epithetts, of a proper and gallant man.'—*Balf. Annals*, I. 390.
² 'Vpone the 7 day of Februarii 1592, the Earle of Murray was slaine by the Earle of Huntly, maist creuelly, at Dunnybristle; and with him the Sheriffe of Murray.'—*Marj. Annals*, p. 56.

(Nov. 17.)—THE LADEY OF BOTHUELL ves received into his Maiesties fauor.

[1592,
Nov. 17.]

(Nov. 18.)—ANE Proclamatiōe, that no man receaeuid the EARLE OF BOTHUELL; and ficlyke, that all thoffe that had receaued hes Maiesties fauor, quho had bene vith the Earll of Bothuell, should not come neir his Maiestie vithin 20 milles, vnder the paine of death.

(Nov. 23.)—ANE Proclamatiōe, that no man should receatt THE COUNTESSE OF BOTHUELL, giue her interteinment, or to haue aney commerce or society vith her, in aney cais; quha had beine bot so laityly receaued in his Maiesties fauor befor, viz. one the 17 day of the same mounthe. Behold the changes of Courte!

(Nov. 30.)—JOHNE CACHOUNE ves beheidit at the Croffe of Edinburghe, for Murthering of his auen brother the LAIRD OF LUSSE.

(Dec. 2.)—CAPITANE JAMES STEUARTE¹ came to the King, quho had beine banished since the Read (*Raid*) at Streiueling befor, wich wes aboute the 1 day of Nouember 1585.

(Dec. 17.)—THE MINISTERS ver accufit by the King for opin Treaffone, in speiking aganis hes Maiestie; yet hes goodnefs past it ouer at that tyme.

(Dec. 31.)—MR GEORGE KER ves broght to Edinburghe out of Calder, and putt in vard, for cariing of Letters out of the countrey frome the Papiſts to the King of Spaine.

(Jan. 1. 1592-3.)—THE EARLL OF ANGUS ves commandit to vard in hes auen ludging, and straitly keipit till the morrou, and then ves convoyet to the Castell of Edinburgh, for sending Letters to Spaine to the Spanisch King, vith M^r George Ker.

(Jan. 3.)—ANE Proclamatiōe to refist THE PAPISTS; and all men to stand to the Religione presently professed vithin this realme; in vich his Maiestie hes beine brought vp into frome his youth: And sicklyke, charging all suspected Papiſts to come and subſcryue ane Band, that they fall not liue as Papiſts, bot in Religione conforme to that presently professed.

(Feb. 8.)—THE EARLLS OF HUNTLEY and ERROLE ver denuncit rebels and putt to the horne, for not compeiring to subſcryue the Band concerning Religione.

(Feb. 14.)—SCHIR ALEXANDER STEWART and MR JOHNE GRAHAME flen be SCHIR JAMES SANDILANDIS at the fitt of Leithe wynd.

(Feb. 15.)—THE EARLE OF ANGUS brake ward out of the Castell of Edinburghe; quha bade beine in, fen the first of Januar befor, for sending Letteres to Spaine.

(Feb. 17.)—DAUID GRAHAME beheidit at the Croce, for opin Treafone, callit Lord of Fentres.

(Mar. 15.)—THE KING'S MAIESTIE came hame fra THE NORTHE, quhair he haid beine sex veikis befor, and haid caufit east doune the palace of Strabogie, and ane place callit the Slanis, ane place callit the Newtoun, and ane place for the tyme quhilk belongit to M^r Walter Lyndesay, callit the Brumhous, vith ane hous of Sir Johne Ogilveis callit the Craige. His Maiestie had with him 5 bandis of men of weir out of Edinburghe, Capitanes George Todridge, James Inglis, James Williamfone, and C. Dauidſon and Geddes.

(Mar. 20.)—ANE Proclamatiōe at the Croce, chairging the EARLIS OF HUNTLE, ANGUS, ERROLE, with diuerſe GENTLEMEN and IRISMEN of THE ILLIS, to compeir to the Parliament for diuerſe poyntis of Treafoun.

(May 19. 1593.)—KATHERINE MUIRHEID brunt for Vitchcraft; and quha confest fundrie poyntis thair of.

(Jun. 4.)—THE LAIRD OF JONESTOUNE brak ward out of the Castell of Edinburghe.

(Jun. 20.)—MR GEORGE KER brake waird out of the Castell.

(Jul. 21.)—THE Parliament haldin; the EARLE OF BOTHUELL forfaultit, and his armes rewine² at Croce of Edinburghe be the Heraldis.

¹ 'Quho called himselue Earle of Arran.'—*Balf. Ann.* I. 392.

² Torn and defaced.

[1593,
Jul. 24.]

(Jul. 24.)—At 8 houris in the morneing, the EARLE OF BODWELL, the LAIRD OF SPOTT, MR WILLIAME LESLIE and MR JOHNE COLVILL, came in to the King's chalmer, weill provydit with pistoll. This Earle with his complices come not this way, provydit with pistollis and drawin swordis, to harme the Kingis Majestie any wayis; bot becaus he could not get prefence of his Maiestie, nor speiche of him, for the Homes, quho wer courteouris with the King, and enimeis to the said Earle Bodwell; sua thai cam in into hes Maiefties chalmer, resolweing thame selff not to be haldin bak till thai fould have spokin with him: And sua, after thai come in, his Maieftie wes comming fra the bak stair and his breikis in his hand, in ane feir; howbeit he neidit not. The foirsaid Earle Bodwell and his compleffis fell vpone thair knies, and beggit mercie at hes Maieftie; and his Maieftie, being wyse, merciful, a noble Prince of grate pitie, not desyrous of bluid, grantit thame mercie, and refautit thame in his fawour: And at 4 houris efter none, caufit proclame thame his frie ledgis. And vpone the 27 day, the same Proclamatioun of the Earle of Bodwellis peace wes renewit at the Croce, with Heraldis and sex trumpettis founding for joy.

(Aug. 10.)—ANE new alteratioun oferid againe.

(Sep. 20.)—THE said EARLE BODWELL chairgit be ane Proclamatioun at the croce, that he fould not come vithin 10 myllis to the Kingis Maieftie, wnder the pane of deathe.

(Oct. 11.)—THE Kings Maieftie ryding to ane day of Law, the excommunit Lordis mett him; quhom he refautit in his favoris, viz. HUNTLIE, EROLE, ANGUS, Schir JAMES CHISSIM, with fundrie wtheris.

(Oct. 31.)—ANE CONVENTIOUNE haldin at Leithe, for the same purpos, concerning Angus, Huntlie and Errole and thair compleffis.

(Nov. 2.)—ANE Proclamation, that na man truble the said PAPISTIS LORDIS, bot to refaue thame and interteine thame as his faithfull and trew subiectis, as thai will be anfuerabill to him.

(Nov. 7.)—SMETOUNE hangit, for braking of ward, with Mr George Ker, out of the Castell of Edinburgh.

(*Eodem die.*)—ANE Proclamatione that na man fould repair to the toune of Edinburgh, without leue grantit be his Maieftie; quhilk Proclamatioun greiuit the toune, and speciallie the Ministeris.

(Nov. 27.)—ANE Proclamatione of the Act of Abolitoun in fauoris of the PAPIST LORDIS.

(Dec. 7.)—THE LORD MAXWELL slaine be the Laird of Jhonestoun.¹

(Dec. 11.)—THE EARLE BODWELL put to the horne; quhilk day the said Earle Bothwell and KER OF SESFUIRD met and faucht twa for twa.

(Dec. 27.)—THE EARLE OF BODWELL, nor the LAIRD OF JONESTOUNE, na man fould refait thame, nor give them interteinment.

(Jan. 22, 1593-4.)—THE Act of Abolatione quhilk wes maid, null and to na effect.

(Feb. 19.)—PRYNCE HENRIE wes borne, at the pleasour of Almighty God, quhilk day befell on Tuyfday.²

(Mar. 13.)—HIS MAIESTIE come to Mr Robert Briuffe preiching, being Sunday; quhair Mr Robert Bruice said to hes Maieftie, that 'God wald steir up ma (*more*) Bodwellis nor (*than*) ane, that wes enimies to him nor (*than*) Bodwell; if he reuengit not and faucht not Godis quarrell and battelis on the Papistis, before he faucht or reueng his awine particular.'

¹ 'In the mounth of December 1593, Sir Johne Houstone (mistake for Jhonstone) of that ilk slew Johne Lord Maxwell, quha had betrayed the Laird of Houstone (Jhonstone) under frendshipe and alliance; and it was rumored, that he had purchased ane Commissione of the King to pas vpone the Laird of Houstone (Jhonstone) with fyre and suord, albeit that they war suorne frinds and bound vpe in alliance and of bloode; and in ane veray grate persuit, the Laird of Houstone (Jhonstone) slew him in his auen just defence.' *Marj. Annals*, p. 57.—'This yeir endit with the Lord Maxswells slaughter by the Laird of Jhonston, the 6 of this mounth of December.' *Balf. Ann.* I. 394. ² 'Vpone Tuesday at 5 houres in the morning, the 9 day of Februarij 1593, Anna, daughter to the King of Denmarke, and Queene of Scotland, wes deliuered of ane sone to King James the Sext, in Streueling, the 4 yeir after her coming in Scotland, the 27 yeir of the said King James raing and 28 of his age.'—*Marj. Annals*, p. 58.

(Apr. 3, 1594.)—THE KING, being ludgit in Robert Gourlayis ludging, he come to the fermone; and thair, in prefens of the haille peiple, he promest to reveng Godis caus, and to banishe all the PAPISTIS and thair requystit the haille peiple to gang with him aganis Bodwell, quha wes in Leithe for the tyme. The same day, the Kingis Maiestie rais and the toune of Edinburgh in armes. THE EARLE OF BOTHWELL, quha wes in Leith, heiring that his Maiestie wes cumming doune, with the toune of Edinburgh, he rease with his fyue hunder horse, and come out of Leithe and raid up to the Halkhill, besyde Lexstelik (*Restalrig*), and ther stuid till he saw the King and the toune of Edinburgh approching neir him. He drew his companie away throw Duddingstoune. My Lord Home followit till the Wowmit; at quhilk place the Earle Bodwell turnit, thinking to have a het of Home; bot Home fled and he followit; yit, be chance, little bluid. The Kingis Maiestie stud himself, and seeing the said chaise.¹

[1594.
Apr. 3.]

(Apr. 5.)—SICLYKE, the King raid out to haue tane Bothwell, bot gat him not.

(Apr. 29.)—WILLIAME HEGIE hangit, for resauing the Earl of Bothwell.

(May 17.)—MY LORD HOME maid his repentance wnto the New Kirk, befor the Assemblie, vpone his kneis.

(Jun. 8.)—THE Parliament haldin; at quhilk tyme, the Earles of ANGUS, HUNTIE, ERROLE, MACKLEN, MACKONEILL and AUCHINDOUNE wer all forfaulted.

(Aug. 30.)—THE PRINCE baptized, and named HENREY FREDERICK, by the grace of God.²

(Sep. 16.)—ANE Proclamatioun that nae man refait nor intertene THE EARLE BODWELL.

(Sep. 17.)—ALLANE ORME³ hangit for intertenuing of the Earle of Bodwell.

(Sep. 24.)—JOHNE GIBSONE hangit, and James Cochran hangit, for intertenuing of the Earle of Bodwell.

(Oct. 3.)—THE BATTELL OF GLENLIUET⁴ fouchin betuix the Earl of Argyll, Generall for the King, aganis the EARLIS of HUNTIE and ATHOLL and thair affosiat. The scheiffe, of not,⁵ that wes flene on Huntie and Atholl fyid, wer, the Laird of Gight, Affinlie, Mr William Gordone, the Guidman of Dorth (*Dort*) and hes sone. This Dorth was brother to Abergeldie. Thre brethren of Tylachoudey, and the younge Laird of Drumdelgie.

(Oct. 15.)—THE CAPITANE OF BLACKNES wes hangit, for resauing and intertenuing the Earle Bodwell.

(Dec. 4.)—ANE Proclamatioun, chairging all men not to haue to doe with the Earle Bodwell.

(*Eodem die.*)—CAPITANE RALLIE hangit for counterfetting the Grait Seall aganis the mercheantis.

(Jan. 13, 1594-5.)—GEORGE MWR hangit, for slaing of twa Ministers, viz. Mr David Blayth and ane Aikman.

(Jan. 19.)—THE young EARLE OF MONTROIS faucht ane combat with SCHIR JAMES SANDILANDIS at the Salt Trone of Edinburgh, thinking to haue revengit the Slauchter of his cusine Mr Johne Grahame, quha wes thair flaine with ane schot of ane pistoll, and four of his men flane with swordis, viz. Johne Craufurd, Johne Graham, George Dundas and Alexander Boner.

¹ Marjoribanks dates this affair the 2d of March, and says, 'The King, all this tyme of the chace, was standing vpone the Borow-mure of Edinburghe.'—*Annals*, p. 59.

² This ceremony took place at Stirling, within the Chapel Royal. David Cunninghame Bishop of Aberdeen officiated. For a particular account of this splendid ceremonial, see 'A True Reportarie of the most triumphant and royal accomplishment of the Baptisme of the most excellent, right high and mightie Prince, Frederik Henry, by the grace of God, Prince of Scotland. Solemnized, the 30 day of August 1594. Printed by R. Walde-graue Printer to the K. Maiestie. Cum Priuilegio Regali.' Quarto, Black Letter, pp. 30. This remarkable Edition was purchased, by James Maidment, Esquire, at the sale of the Library of the late Archibald Constable, Esquire, who considered it *Unique*. One other copy, however, is known to have been in the Royal Library at Copenhagen. Several Reprints were published early in the next century. See also Birch's *Life of Henry Prince of Wales*, &c.

³ 'Brother to the Laird of Mugdum, (*Mugdrum*).—*Balf. Ann.* i. 395. ⁴ 'At this tyme, thair wes grate appeirance of troubellis in Scotland, throughe the forfaulted Earlls of Huntly and Errole; quha with thair complices gadrett ane grate pouer of men against the Earle of Argyll, being the King's lieutenant, and faucht ane grate Battell in the North, near Strathbolgie, at ane part called the Ledderfute; wich battel was called by some the field of Glenliuet, and by others the battle of Belrinnes, &c.' *Marj. Annals*, p. 60. See also, in Dalrymple's *Poems of the Sixteenth Century*, 'The Battell of Belrinnes.' And MS. Adv. Library, W. 3, 19.

⁵ The chief persons of note.

[1594-5,
Feb. 14.]

(Feb. 14.)—ANE of the Keiperis of the Wardes, in the Castell of Edinburgh, wes hangit, for latting the Earle of Angus out of ward.

(Feb. 18.)—HERCOLLES STEWART hangit, and ane Johne Syme, for bearing companie and inter-tening his awin brother, and the Earle of Bodwell.

(Feb. 23.)—THE EARLE BODWELL excommunicat.

(Mar. 10.)—ANE horrible tempest of snaw, quhiche lay vpone the grund till the 14 of Apryll thairefter.

(Maij 26, 1595.)—JOHNE GILCRYST, Henderfone and Huttoune, all thrie hangit, for making of fals wrettis and pefing to warifie (*verify*) the same.

(Jun. 11.)—ANE callit CUMING THE MUNCKE, hangit, for making of ffalfe wrettis.

(Jul. 19.)—JAMES LAIRD OF ENDERMARKIE and his seruand heidit, as partakeris of the MURDUR OF THE EARLE OF MURAY and Patrik Dumber, in Duniburfell in Fyff; quha wer flaine the 7 of Februar 1591.

(Aug. 14.)—CRISTIANE JOHNSTOUNE, ane widdow in Edinburgh, raveft be Patrick Aikenheid. The toune wes put in ane grait fray be the ringing of the commone bell. The faid Cristiane wes followit and brocht back fra him; fua that the faid Patrik got no advantage of hir.

(Sep. 15.)—JOHNE MACKMORRANE flene be the fchot of ane pistoll out of the Scholl; this Johne Macmorane, being Baillie for the tyme. The bairnis of the faid Gramer-scool came to the Tounis Counfell, conforme to thair yeirlie custome, to seek the priviledge; quha wes refuist: Upone the quhilk, ther wes ane number of scollaris, being gentilmenis barnis, made ane mutinie, and come in the nicht and tuik the scooll, and provydit thame felfis with meit, drink, and hagbutis, pistolit and sword: They ramforcit the dores of the faid scooll, fwa that the refuist to lat in thair Maister nor na wthir man, without they wer grantit thair priviledge, conforme to thair wountit vse. The Prouost and Bailjes and Counfell heiring tell of the same, thai ordanit Johne Mackmorane balzie to goe to the Gramour-scooll, and tak sum ordour thairwith. The faid Johne, with certane officeris, went to the Hie scooll, and requyftit the scollaris to oppin the doris: Thay refuist. The faid Bailzie and officeris tuik ane geft (*joist* or *beam*) and ran at the bak dore with the geaft. Ane scollar bad him desist frome dinging vp the doir, wtherwayis, he wowit to God, he fould fchute ane pair of bullettis throw his heid. The faid Bailzie, thinking he durst not fchuit, he and his affistaris ran still with the geaft at the faid doir. Thair came ane scollar callit William Sinklar, fone to Williame Sinklar chandler of Catnes, and with ane pistollet fchot out at ane window, and fchott the faid Bailzie throw the heid, fua that he diet presentlie. The haill tounis men rane to the scooll, and tuik the faid bairnis, and pat thame in the Tolbuithe: Bot the haill bairnis wer latten frie, without ane hurte done to thame for the same, within ane fchort tyme thairefter.

(Sept. .) —THE LADIE BODWELL refaut in fauour with the King, in Glasgou.

(Oct. 20.)—GILBERT LAWDER flaine, in Linlithgow, be the Cranstounis.

(Nov. 22.)—FOUR HERALDIS fitting drinking, twa of thame fell in words, viz. John Purdie and Johne Glaidftanis, the faid Johne Glaidftanis fikit Johne Purdie at the table: And the faid Glaidftanis being apprehendit, he wes beheidit vpone the 25 day of the same moneth of November, for the same slauchter.

(Dec. 3.)—THE LADIE BODWELL banifchit yit anes agane. Bot within sex dayis thairafter, the faid Ladie purchist ane Letter of paice, subfcriuit be his awin Maiesties hand.¹

(Jan. 5, 1595-6.)—ANE Proclamatione, declaring perpetuall PEACE betwix Scotland and England;

¹ Amongst the constancies of the Courte this yeire, one was remarkeable; that at Glasgou, in September, the King receauit the Countesse of Bothuell to his fauor the 22d day at night; and one the 3d of December, agane proscriued and exyled her, wnder the paine of death: yet gaue her a Letter of Protection, wnder his auen hand, within 6 dayes thairefter. *Balf. Ann.* i. 398.

and that nane of the Bordereris invaid ane another, wnder the pane of deathe. Sic lyik, at this fame tyme, the generall musteris proclaimed to be haldin the 2 of Februar nixt.

[1595-6,
Jan. 5.]

(Mar. 2.)—..... CAMPBELL OF ARKINLES wes tane for the *Slauchter of Campbell Laird of Cadder*: And one the 4 day, he thollit ane Affyise; and contenuit day till day, till the 8 of Apryll, he wes convyit to the Blaknes till ward; and at lengthe he wes maid frie.

(Apr. 6, 1596.)—THREE men hangit, viz. PATRICK DOUGLAS, PATRICK BYDE and ane SYME. This Douglas wes a theiff or murderer and brunt; and haid contenit long wnsuspekit to, be ony man.

(*Eodem die.*)—THE LAIRD OF BUCKCLEUCH past to the Castell of Carlell with 70 (men) and tuik out *Will Kynmonthe* out of the said Castell; the said Will lyand in ironis, within the irone yett. This he did with schowting and crying and sound of trumpet; putand the said toune and contrie in sick ane fray, that the lyik of sick ane waffaladge wes nevir done since the memorie of man, no in Wallas dayis!

(Apr. 14.)—MR WILLIAM SCHAW wes strukin throche the bodie with ane raper, be FRANCES MOWBRA, sone to the Laird of Barnbougall.

(Maii 31.)—ANE Proclamatioune, chairgeing all men betuix 60 and 16 to be in radines, betuix that and the first day of August, to pas with the King to the Iyllis.

Trial of the Earls of Huntlie and Errol ordered.

Maij 24, 1596—(*Apud Haliruidhous.*)—The Kingis Maiestie, haueing oftymes tane grite panes and trauellis for quieting of the troublit estate of the North Cuntrey, kytheit be the effectis that followit vpoun the personis and levingis and houffes of the principall authouris of the said trouble; besydis the expelling of thame selffis furth of the cheif pairtis and placeis quhair thay maid thair commoun residence: In end, it wes thocht meit be his Maiestie, his Counsaile, noblemen and baronis of the cuntrey, and vthiris resident with his hienes for the tyme, that befoir his Maiesteis returning furth of the same cuntrey, his hienes shuld constitute and appoint ane Lieutenant, to mak his residence and remaning thairin in his Maiesteis absence, for obviating and withstanding of all forder practizeis, gif ony shuld preis tobe attemptit; and reduceing and contening of the inhabitantis thair of, vndir his Maiesteis obediens: And albeit findrie Noblemen, then present with his Maiestie, wer burdynnit to accept that charge vpoun thame, yit few or nane could be movit thairunto; sum excuseing thame selffis be thair inhabilitie, and vthiris for want of present preparatioun; sua that delay of tyme in this caise being then thocht tobe verie dangerous, his Maiestie wes movit at last, of verie necessitie, to burdyn his darrest cousing LUDOUIK DUKE OF LENNOX Erll Darnelie Lord Torboltoun Methuene and Aubignie, with the said charge, eftir the same wes refuseit tobe acceptit be all personis then present with his hienes: Lyke as his Maiestie wes forceit to furneis him with a counsaill of certane noblemen, besydis forceis of horsemen and futemen, for the bettir executioun of that charge; quhairin he continewit almaist during all the tyme of that winter seasoun: And becaus it wes then thocht tobe verie troublesum and fasheous, and almaist vnpossible that he shuld remane still in thay pairtis, furneist with the saidis forceis, seing the money appointit for that eirand with grite difficultie (could) be had: In end, he wes movit, of verie necessitie, be his Maiesteis allowance, to ouersee the passing furth of this realme to the pairtis beyond sey of George sumtyme Erll of Huntlie, and Frances sumtyme Erll of Errole, cheif authouris of the said trouble, vpoun Bandis alwayes gevin that thay shuld not returne agane within this realme, without his hienes speciall Licence; and that during the tyme of thair absens, thay shuld not trafficque to the prejudice of the trew Religioun, presentlie professit within this realme, his hienes persone, crowne and estate; vndir certane pecuniall panes, mentionat in the saidis Bandis maid thairupoun: And in respect

thairof, to promeis lykwayes, be his hienes allowance, that the pointis foirfaidis of the said Band being obseruit and keipit, thair wyffis in that caise fould haue intromiffioun with thair rentis and leving, during the tyme of thair absens: Quhilk promeis, his Maiestie, his nobilitie, counsale and esteatis presentlie conuenit, findis, that his hienes can nawayes violat, without spott and dirogatioun of his princelie honour: AND thairfoir hes Suspendit, and be the tennour heirop Suspendis all forder executioun tobe vfit aganis the saidis sumtyme Erllis, tuicheing the Intromiffioun with thair rentis and leving, ay and quhill eftir tryale it falbe fundin and declairit, that thay haue trafficque to the prejudice of the said trew Religioun, as his Maiestie is informit; quhill tryale his hienes fall tak and caus be tane, betuix and the feist of Lambmes nixtocum; quhairvnto findrie of the Ministerie, being now personalie present, promittit to hald hand: And incais, eftir tryale, it falbe onywayes foundin, that thay haue had trafficque, to the prejudice of the said trew Religioun, and consequentlie aganis his Maiestie, his persone, crowne and Estate, or vthirwayes to haue contrauenit ony parte of the said Band, aganis the tennour of the famin; then and in that caise, not onlie fall his hienes caus intromiffioun to be had with thair rentis and leving, and the famin haillelie inbrocht to his hienes vse; bot lykwayes, thair cautionaris falbe callit and perfewit for contrauentioun of the saidis Bandis, and the panes contenit thairintill vptakin of thame, with all rigour and extremitie, in example of vtheris.

(Dec. 16, 1597.)—AN Act of Parliament was passed, Reducing the Forfeitures of the Earls of Huntlye, Angus and Errol, and of vmq^{le} Sir Patrick Gordoun of Auchindoun kn^t, for not entering in ward and obeying the charge of Treason, Mar. 8, 1593: And also Reducing the Doom of Forfeiture, pronounced Jun. 8, 1594: It likewise Restored them to their lands, honours, dignities, offices and estates, &c. *Acta Parl.* 1597, fol. 123, &c.

(Dec. 16.)—Another Act was passed, abolishing ‘all actioun and accusatioun, payne, penaltie and pwnishment following thairvpoun, competent to his hienes aganis the saidis personis, or ony of thair complices or assistaris, for ony fact or deid committit be thame or ony of thame, thair complices and assistaris foirfaidis, sen the first day of Maij 1592 3eiris.’—(Jun. 30, 1598.) The Earl of Angus got a ‘Commissioun’ from Parliament, appointing him ‘his hienes Lieutenant and Justice within the boundis of the Eist, Middill and West Marcheis of this realme, foiranent England, and all the scherefdomes of the samyn; togidder with the scherefdomes of Peblis, Selkirk, Eist Lowthiane, Niddisdail, Galloway, Kyle, and Ouer Ward of Cliddisdail, alsweill to burgh as to landwart, regalitie as ryaltie, (the inhabitantis of the burrowis of Air and Irwing onlie except); and that during his hienes will allanerlie: And siclyke, Wardane and Justice within the boundis of the said West Marche and scherefdomes and burrowis appertaining thairto, for the space of ane yeir nixtocum.’—(Jul. 31, 1598.) The Earl of Angus accepted this Office, and promised faithful discharge of his duties, &c.]

Sir Walter Scott of Branxholme's relieving Kinmont Will out of the Castle of Carlisle, &c.¹

ACT anent the LAIRD of BUCKCLEUCH, &c.

May 25.—(*Apud Haliruidhous.*)—ANENT the demand maid in name and for the Kingis Maiesteis darrest Sufter the Quene of England, be Robert Bowis hir ambassadour, heir resident, ffor redres tobe gevin to hir of the allegeit outrageous fact done be Schir Walter Scott of Branxholme knicht and his compliceis, at the Castell of Carlile, proportand: That fforfamekle as the said Schir Walter, knowne to be a publict officiar, with his saidis compliceis, vpoun the xiiij

¹ See *Acta Parl.* 1596, fol. 99.

day of Aprile lastbipast, in weirlyke maner and hostilitie invadit hir Majesteis realme of England, assailzeit violentlie hir Castell of Carlile and subjectis, and committit vtheris haynous offenffis contrair to the league and amitie betuix the tua realmes; gevand thairby ane just and manifest occasioun of violatioun of the same: Thairfoir requiring the said Schir Walter tobe baith deulie fylit for his fact, and delyuerit to his said darrest fuster, to suffir the panes tobe execute vpoun him for the same; as the said demand at mair lenth proportis.

The said Schir Walter, being lauchfullie warnit, and compearand personalie befor his Maiestie, his nobilitie, counsale and esteatis presentlie conuenit, and the said fact being havelie layed to his charge be the Kingis Majestie—ffor justifeing of his awne parte, denyit that euir he had ony intentioun to invade the realme of England, or to assailzie ony of his said darrest fusteris houffis: Lyke as, na deidis of hostilitie, sic as slauchter, depredatioun of guidis, fyre rasing, or taking of prisionairis, nor yit the actuall taking, or his intentioun to tak the said Castell, is relevantlie qualifeit aganis him in the said demand; bot that he allanerlie simpillie recouerit Williame Armestrang of Kynmonth, ane subject of Scotland, furth of that parte of the Castell of Carlile, quhair maist injustlie he wes detenit for the tyme; as maist wranguellie he had bene tane of befor, within the realme of Scotland, be Thomas depute to the Lord Scrope Wardane of England, accompanied with a force of sax hundreth armet men, within the tyme of ane general assuurance, takin at a day of trew; to the quhilk the said Williame had repairit, at the speciall command of the said Schir Walter, in quhais name, as Keipar of Liddisdale, the said day of trew wes keipit: Be the quhilk breking of the assuurance, the said Schir Walter ressaute ane oppin and manifest injurie, to the dishonour of his Majestie his souerane, and of the realme of Scotland: Quhilk dishonour and wrang can not justlie be excuseit, be pretens of the said Williames stopping of the following of ane lauchfull tred, seing the said forme of following wes nawayes lauchfull; and albeit it had bene lauchfull, yit the stopparis thairof could not lauchfullie haue bene takin be the said Inglishe deputie, at his awne hand, within the realme of Scotland: Quhairby it is euident, that the onlie wrang quhilk wes in all this mater, wes committit be the said Lord Scrope and his deputie, be invading the realme of Scotland in weirlyke maner, and taking of prisionairis within the same, in tyme of peace, and vnder assuurance of a day of trew, as said is: In quhilk the said Wardane continewit, be his wrangous detening of the said prisionair and refusall of redres, eftir lauchfull requisitoun maid to him for that effect, be Lettres sent to him be the said Schir Walter, and als be the said Ambassadour at his Majesteis requeist, eftir that the said Schir Walter, vpoun the said Wardane of England his denyale of justice, had maid baith sute to the said Ambassadour and als his humble complaint to

his Majestie: Quhilk wrang and denyale of justice, movit the said Schir Walter to attempt the simple recouerie of the said prisionair, in sic moderat ane fasshoun as wes possible to him; being onlie accompanied with fourescoir horsmen, and vndir filence of nicht, without ony vther deid of hostilitie done be him for the tyme; quhilk simple recouerie of the said prisioner, mon necessarlie be estemit lauchfull, giff the taking and detening of him wes vnlauchfull, as without all questioun it wes, and mon be swa estemit be all ressonable and indifferent personis.—For the quhilkis ressonis, the said Ambassadouris demand to fyle and deliuer the said Schir Walter, to suffer panes for the said fact, is altogidder vnresonable, and wald tend gritlie to the dishonour of his Majestie and his hail realme.

Quhilkis ressonis being at length hard and considerit be his Majestie, his nobilitie and esteatis foirsaidis, it wes thocht maist meit and conuenient be thame, that conforme to the ancient treaties of peace and custum obseruit betuix the realmes, this mater of mutuall allegiandeis of notour injureis done betuix the officiaris of the twa realmes aucht and shuld be intreatit be Commissionaris; quhilk his Majestie is maist willing and promittis for his hienes parte, with all possible diligence, to send to meit vpoun the bordour, for tryale of the saidis alleget wrangis, and making of redres for all extraordinair wrangis quhilkis salbe tryit to be done be his Majesteis subiectis, at sic tyme and place as salbe condiscendit vpoun: The said Ambassadour being reddy to caus the lyke be done for the parte of England: Vnto the quhilk Commissionaris his Majestie fall giff expres command to caus mak full satisfioun and redres, conforme to the ancient treaties of peace; to the effect, that now, in sa necessar ane tyme, quhen the hail Ile is minassit be the commoun inemey, thair be na just occasioun, for his Majesteis parte, of breking of the happie amitie quhilk salang hes continewit betuix the tua realmes.

[*Mr Robert Leirmond and Mr Johnne Campbell, Justices-Deputes.*]

Resetting and Intercommunuing with Bothwell after his Forfeiture.

Maij 29. 1596.—DAME AGNES SINCLER COUNTES (DOWAGER) OF ERROLE.¹

Dilatit of the tressonabill Trafficquing and Ressauing fra ffraunces sumtyme Erle Boithwell, sen his fforfaltour; and speciallie, sen his passing furth of the realme.

Comperit M^r Thomas Hammiltoun of Drumcarne and William Heart of Liuelandis, aduocattis to our souerane lord, and produceit ane Warrant of his

¹ She was daughter of George, fourth Earl of Caithness, and second wife of Andrew, seventh Earl of Errol.

Maieſteis, to the Juſtice to proceed, and the Aduocattis to inſiſt in hir perſute; deſyring to be regiſtrat, quhair of the tennour followis.

WARRANT to purſue and to adminiſter Juſtice.

REX,

JUSTICE, Juſtice Clerk and your Deputis, and Aduocate; We grete you wele. Forſamekill as We haif appointit this day, for the perſute and tryell of Dame Agnes Sincler Counteſſe of Errole, of certane crymes of Treſſoun, quhair of ſche is dilatit and ſuſpect: It is our will pairfoir, and We command you our ſaid Juſtice, Juſtice Clerk and your deputis, to proceed and miniſter juſtice vpon hir, conforme to the Lawes of our realme: And pat ye our Aduocate inſiſt in the perſute of hir: As ye will anſwer to us pairvpon: Quhairanent this preſentis ſhalbe to you a warrant. Subſcryueit with our hand, At Halyrudhouſe, the xxix day of May, 1596.

(Sic ſubſcribitur)

JAMES R.

Comperit the ſamin day M^{rs} Johnne Scharp and Johnne Nicholſoun, aduocattis and proloquitouris for the ſaid Dame Agnes, and produceit ane Warrant, deliuerit be the Lordis of ſeſſioun, chargeing thame to compeir in hir defence: quhilk charge was vfit be James Chalmer Maſter; and deſyrit the ſame to be regiſtrate, quhair of the tennour followis.

SUPPLICATION and WARRANT for Advocates to defend the Counteſſe of Errol.

MY Lordis of Counſale, vnto your ll. humilie menis and ſchawis, We your ſeruitouris, Dame Agnes Sincler Counteſſe of Errole and Alexander Gordoun of Strawawin¹ my ſpous, for his intereſſe. That quhair, we are to be accuſit this day, befor the Juſtice and his deputis, for Allegeit Intercommoning with Frances ſumtyme Erle of Boithwell, or for ſum vther forgeit crymes, quhair of as the Lord knawis We ar maiſt innocent: And albeit for the better defence of our innocencie pairanent, and for proponing of our lawfull defenceis, it be neidfull to us to haif certane Aduocattis to procure pairintill, We being to be accuſit on our lywes; and pat the haifing of preloquitouris in ſic materis is permiſſibill and accuſtomit of the Law and daylie practice; nochtpeles, pair will nane of the Aduocattis procure for us in the ſaid materis, without your ll. command. Heirfore we beſeik your ll. pat we may haif command to M^{rs} John Scharp, John Ruſſell and John Nicholſoun aduocattis, to compeir befor the Juſtice and his deputis, and procure for us in the ſaidis materis, vpon our reſſonabil expenſis. According to Juſtice and your ll. anſwer, we beſeik.

APUD ED^l. xxix^o Maij 1596. Fiat ut petitur.

(Sic ſubſcribitur) . . . J. P. D. R. SECRETARIUS. Mr JAMES JOHNSTOUN.

PERSEWARIS, Mr Thomas Hammiltoun of Drumcarne, Mr William Heart of Livelandis.

PRELOQUITOURIS in defence, Mr Johnne Scharp, Mr Johnne Nicholſoun, Mr Johnne Ruſſell.

The ſaid Dame Agnes requires of the Juge that ſche may haif hir huſband to aſſiſt in hir defence.

The Juſtice findis hir ſufficientlie authoriſit with preloquitouris:—Allegeit, that hir huſband being in this toun, ſould be heir to aſſiſt.

FIRST, It is allegeit for the ſaid Dame Agnes, that the Dittay, anent the allegeit crymes contenit thairin, is generale, nocht condiscendand vpon the moneth of the committing of the allegeit crymes, preceiſlie; bot reſoluand *alternatiue* in

¹ Strathowne, or Strathdon, the ſon of Alexander, third Earl of Huntly, and anceſtor of the Gordons of Cluny.

ane of the xij monethes : quhowbeit he fuld preceisslie lybel the monethe, if the law, *per legem Libellorum Diges. de Accusationibus*.—*Secundlie*, Allegeit the Dittay to be alluterlie¹ irrelevant, insafar as the famin is confaut vpoun the refait of onye Letteris fra the Lady Boithwell, being in the tyme lybellit in our fouerane lordis saifgard and protectioun : And quhair it was menit² that the tennour of the lettres was to support Frances sumtyme Erle Bothwell, (nocht granting the veritie thairof), the desyre of support be onye of Boithwellis freindis can newir infer a tressoun aganis thame fra quhome the support is askit, except it had bene qualefeit that the said support was grantit ; for albeit the desyre to support ane trattour may be tressonabill, yit the refuse of the support can nawyise be criminall. *Thridlie*, As to the last point, twitcheing the allegeit refait of Lettres fra the Maister of Cathanes,³ (nocht grantand as said is,) repetis the former answer, with this additioun, that the Maister of Cathanes standis the Kingis subiect, newir being forsalt. *Ferdlie*, As to that point, twitcheing of ane Obligatioun inclofit within the Ladye Boithwellis Lettre, the famen is verrie irrelevant, nor inferris na cryme, except thair had bene sowmes delyuerit, for it may stand, that the Ladye Boithwellis Lettre being refusit, the famin with the Obligatioun mycht be revin, as it was trew indeid. As to the qualificatioun of the conceling, quhair thair is na cryme thair is na conceling, for the conceling man be of a cryme.

The Aduocate anfueris to the *ffirst* allegiance, anent the generalitie of the tyme, that it aucht to be repellit ; becaus the Dittay will stand releuant in onye day of the haill yeir, the Erle Boithwell standand forsalt all that yeir ; and it being Tressoun to trafficque for him, and to concele the famin : Anfuerand to the *secund* allegiance, sayis that it is nocht set doun nakitlie in Dittay, that the Letteris was ressauit fra the Lady Boithwell, as the cryme quhairvpoun the pannell is accusit ; bot, that the Lettre contenit tressonabill traffiquing and procuring of money for my Lord Boithwell, than standand forfault. The ressauing and conceling thairof was lykwysse Tressoun, in the persoun of the ressauear and concelar ; becaus it is manifest of the law, that the knowlege and conceling of Tressoun is Tressoun. Quhair it is affermit be the pannell, that the Letter and Obligatioun ressauit wes revin and brunt, the persewar acceptis the famin *in quantum* ; and yit the famin purchessis nawyis the knowlege and conceling ; becaus it wes nocht anewch, in caise it had bene trew that the defender had rewin and distroyit the saidis Lettre and Obligatioune, (the contrar quhairof is maist trew ;)

¹ Altogether, entirely.

² Complained.

³ John Master of Caithness, her brother, (who died in 1577,) married Dame Jean Hepburn, only daughter of Patrick third Earl of Bothwell, who was Francis Earl of Bothwell's mother. The person here alluded to might be John Master of Berriedale, son of William Lord Berriedale, and grandson of George fifth Earl of Caithness.

bot it behowit hir, of hir dewtie and alledgeance, to haif revelit the treffonabill directing thairof, and to haif manifestit hir awin innocencie, be refusall and reveling, and be deteining of the messingir quha wes in hir hous and power, sche haifing sic knowlege of his treffonabill travelling and traffiking in that mater; quhilk the Aduocat repetis, as ane anfuier to the haill alledgeance.

The Defender repetis hir former anfuier, and eikis thairto, that thair can nocht be ane conceling in Treffoun, quhair thair is nocht *tractatus* in Treffoun; *tractus est duorum vel plurium in eodem consensu*. Thair is na consent heir qualefeit, that ony support wes grantit, 3e (yea) be the contrar, it wes refusit; and the propositioun *de fiendo subsidio* and the refusing thairof nocht *facit tractatum, itaque*, thair is nather cryme nor conceling. The aduocat acceptis the alledgeance *in quantum*, and anfuieris, that the famin elydis nocht the Dittay, quhilk is nocht only foundit *super tractatu, sed super silentio et celatione*; and the Doctouris and speciallie Angelus affirmis, that the knowlege of ony kynd of Treffoun and conceling thairof, be him quha may preif it, is Treffoun: And trew it is, that my Lady Bothwellis wryting for money and supply to my Lord Bothwell hir husband, being the Kingis rebell, is Treffoun; quhilk being knawin to the defender, and habill to haif bene verefeit be the Lettres ressauit be hir fra my Lady Bothwell to that effect, hir conceling thairof is expres Treffoun: Lyke as, the lyke cryme wes fand Treffoun, in the pairt of Daid Home of Argattie, in anno 1584¹ or thairby; quha, for reding and conceling of ane Letter direct fra his brother-sonne,² being thane foirfalt in Ingland, to ane of his awin tennentis, for support fra him of money and vtheris his privat effairis, wes thairvpoun put to ane Assyise, convict thairof and thairfore execute: And M^r Nicoll Dalglesch,³ being accusit for reding of commendatiounis, writtin in ane Letter, fend be M^r Walter M^cCanquall to the said M^r Nicoll, in ane Letter writtin to the said M^r Walteris wyffe; the Dittay, foundit vpoun the said cryme, wes fund relevant; he wes put to the knowlege of ane Assyse, and he wes convict thairof. And this cryme specefeit aganis this present pannell, being mair odious of the selff and relevant of the law nor the said vthir crymes aboue mentionat, the famin aucht to be fand relevant, nochtwithstanding the haill alledgeance maid in the contrair.

The Defender anfuieris to the pretendit practikis, that thair is nane of thame produceit: and protestit, that before ony of thame be red be the judge or the King and Counfall, that thay may haif inspectioun of thame, that sche may anfuier thairto: And in caise ony sic thing wer as is alledgeit, it is nocht pertinent in this caise, speciallie M^r Daid Home of Argatie, quha is allegeit to haif red

¹ See Dec. 8, 1584.
St Cuthbert's, near Edinburgh.

² Patrick Home, 'servitour' to the Earl of Mar.
See Dec. 8, 1584.

³ Minister of

ane Letter, writtin be ane declarit Tratour: As to M^r Nicoll Dalglesch, he wes newir convict. And forder, the Act of Parliament, maid att Lynlythqw in four-scoir and fyve 3eir (1585) retretis,¹ and for maist vrgent cauffis hes retretit all sic proceffis, and hes ordenit the memorie thairof to be bureit for ewir, that thay fould nocht be hard in judgement thaireftir.—Anfuerit the Aduocat, that the Act of Parliament, maid att Lynlythqw, contenis restitutionounes *gratie et non juris*; and albeit it haif redintegrat² the personis forfaltit being on lyff, and the posterite of thame being deceiffit, to thair fame, honour and leivingis, yit it alterit nocht *decisiones juris*, foundit vpoun the Commoun Law and nocht vpoun particular Actis maid aganis the personis foirfaltit.

The defender repetis the former anfuer, with the Act of Parliament and cauffis thairin contenit; quhilk Act of Parliament rescindis the haill proceffis, *per expressum*, as gif thair had bene speciall decreitis gewin vpoun ilkane of thame.

The Justice continewis to Monunday the last of Maij.

(Maij 31.)—The Justice continewis Interloquitour, in the alledgances proponit betuix the Lady Erroll and the Kingis Advocattis, to the secund of Junij nixtocum. [No farther entries occur in the Record.]

Slaughtering, selling, and eating of Flesh in time of Lent.

May 31.—WILLIAM BARRIE, flescheour in Dundee, and thirteen others
'flescheouris' of Dundee and Perth.

Dilatit of contravening of the Actis of Parliament, in slaing and eitting of flesch in Lentrone lastwas.

Only one of the pannell 'fylit and convict;' another continued to the aire of Perth; and the others found to be 'cleane and acquit.'

Eating Flesh in time of Lent.

May 31.—[DAVID] ERL OF CRAWFURD.

Mr John Halyday produceit the Kingis Licence, subscryuit be his Maiestie, granting the Erll of Crawford licence to eit flesche, and Thomas Stewart to mak reddie flesch, (in time of Lent).

The Aduocat allegis the Licence is null, in respect it is past but³ compositioun, and nocht conforme to the Act of Parliament.—The pannell alledgis, that na proces fould be led in this Judgement, becaus befor the criminall perfuit, ane precognitioune ciuile aucht (to have taken place), and it importit ane pecuniall pane allendarlie.—The Aduocat anfueris, that the alledgeance aucht to be repellit,

¹ Lat. *Retractare*.

² Lat. *Redintegrare*.

³ Without.

in respect of the Act of Parliament, ordaining that the Thesaurar fall accuse thame, and being convict, thair escheitis and vnlawis falbe tane vp.

[*Mr Robert Leirmond, Justice-Depute.*]

Child-Murder.

Jun. 1.—ISSOBELL PRATT, seruand to Cristopher Lyndesay in the Grange.

Dilatit of the crewall Murthour and slauchter of ane infant bairne, procreat betuix hir and John Abircrumbie wrycht, eftir the bairne wes quick borne; committit in the Grange the sewintein of Maij lastwas.

VERDICT. The Assyse, in ane voce, ffylis the said Issobell Pratt of the murdering of hir awin barne, be strangling of the barne, ane man chyld, be nipping of the bairnis chraig.¹

SENTENCE. 'Fylit and Convict. Suspen.'

Shooting with Daggs and Pistolets—Hurting and wounding.

Jun. 1.—JAMES CREYCHTOUN of Ruthvennis, David Home his seruand, Stephin Currou of Logiemegle, Johnne Cuming in Glaswall and Abimilech Crech, burges of Edinburghe.

Dilatit of contravening of the Actis of Parliament, in bering and wering of (and schuting with dagis and) pistolettis; and hurting and wounding of John Ker, seruitour to David Wod of Craig, in the body and rycht hand, George Ker in the heid, and James Ker in the left hand; and mutilatioun of the said James of twa fingaris of his left hand.

Comperit James Reid, Constabill of the Castell, and produceit ane Testimoniall subscryuit be David Ramsay, Minister at Elyth and Ruthvennis, testifeing *Cristopher Creychtoun* in Megle and *Alexander Creychtoun* to be lyand deidlie hurt: And ALS, produceit the Kingis Precept, ordaining the Justice to continew the mater, vpoun fyftene dayis wairning, vpoun the said Cristopher and Alexander Creychtoun, in respect thay ar lyand deidlie woundit.—The Justice admittis the Kingis Warrant, the Thesaurar being present and consenting thairto.—Continued to the Aire of 'Forfare, tertio Itineris, (vel super premonitione) xv dierum.'

Shooting with Pistolets—Hurting and wounding.

Jun. 2.—DAVID WOD of Craig, Mr James Wod, brother to the Laird of Craig, Robert Wod, broder to Thomas Wod in the Grange, and John Ker, seruitour to the Laird of Craig.

¹ Squeezing or pinching of the child's throat or windpipe, *craig*.—The same mode of suffocation which was recently practised by the infamous Burke and his gang, in the West Port of Edinburgh.

Dilatit of the hurting and wounding of Cristell (Christopher) Creychtoun, feruitour to James Creychtoun of Ruthvennis, be the schot of ane pistolet in the bodie and arme, to the effusioun of his blude in grit quantitie; and thairby, for contravening of the Actis of Parliament, in bering, wering and schuting with pistolettis; committit in March lastbypast.

It wes allegeit be Mr Johnne Scharp, aduocatt, that Dauid Wod of Craig can nocht be vnlawit for the entrie of Dauid Wod, sone to the Laird of Boningtoun, and George Ker, becaus Johnne Ducie, Minister of Monroise, testifeit to Walter Commendater of Blantyre (Treasurer), that thay wer vnliable; quhilk was confest be the Thesaurar.—Continued to the Aire of ‘Forfar, tertio Itineris, xv dierum.’

[*Mr James Fowlis, Justice-Depute.*]

Murder—Theft.

Jun. 7.—JOHNNE PENNYCUK in Dykenuke.

Dilatit of airt and pairt of the crewall Murthour and Slauchter of vmq^{le} Johnne Cowane; and of Hurting of Alexander Young in Cowter, and chaiffing of Cuthbert McClellen at the West Port of Edinburghe; and for airt and pairt of the thifteous steling of thre naigis fra thame; committit the xxiiij day of May lastbypast, &c.

PERSEWARIS, Robert Lord Sanquhar, Johnne Dryburcht in Ravinshauch, Williame Dryburcht thair, John Wauchop, baillie in Nudrie, Johnne Creychtoun of Bruntoun, Robert Miller in Stanyhill, Sir Archibald Naper of Edinbellie, kny^t, Mr Williame Hairs, aduocat.

VERDICT. The pannell is ‘ffylit’ of eight seperate acts of Theft, &c. and ‘for Commoun thift, commoune Resfett of thift, inputting and outputting of thift, bayth auld and new.’

SENTENCE. To be tane to the Gallows of the Borrow-muir, and thair to be hangit quhill he be deid; and his heid and rycht hand to be strikin off, and put and hung vpoune the West-port; and all his movabill guidis to be escheit and inbrocht to our fouerane lordis vse, &c.

[*Mr Jacobus Fowlis Justiciarius, per Commissionem s. d. n. Regis constitut.*]

Slaughter.

Jun. 8.—THOMAS GARDYN, sumtyme in Bandoch, now in Legatstoun.

Comperit James Guthrie of Gagye, and produceit our fouerane lordis lettres deulie execute and indorfate, purchest be Iffobel Wod Ladye Guthre, the relict; James Guthre of Gagye, Dauid and Gabriell Guthries, sonnes; with the kyn and freindis of vmq^{le} Alexander Guthre of that Ilk; to tak fouertie of Thomas Gardyn, sumtyme in Bandoch, now in Legatstoun, that he sould compeir befor our

Soueranis Justice and his Deputis this day and place, and vnderlye the law for art and part of the crewall slauchter of the said vmq^{le} Alexander Guthre of that Ilk; and desyrit proces thairvpoun, and protestit, that he as caution be relevit of his cautionarie.

Comperit Mr David Peirfoun, and produceit ane Warrant of his Maiesteis, datit at Lynlythqw, the ferd day of Junij instant, to desert the dyet; and desyrit that the famin be obayit; quhairof the tennour followis.

REX,

JUSTICE, Justice-Clerk and your deputis, We grete you wele. Forfamekill as it is vnderstand to us pat our vtheris Lettres ar rasit, at pe instance of pe bairnis, kyn and freindis of vmq^{le} Alexander Guthre of pat Ilk, and our Aduocattis for our intres, for calling of Thomas Gardyn of Bandoch to vnderlye our lawis befor you, vpoun pe viij day of Junij instant, for art and part of pe Slauchter of pe said vmq^{le} Alexander, as our saidis Lettres at lenth beris: Nochtwithstanding quhairof, in respect We haif alreddie caufit pat deidlie feid standing betuix pe houffis of Gardyn and Guthre, amangis vtheris, to be assurit and submittit to certane of our Counsaile, Barrownis and Ministeris, for reconciliatioun and remowing pair of; all sic perfuittis wald in pe mene tyme be stayit pat may hinder pe same: AND pairfoir it is our will, and We command you, pat vpoun pe sycht heirof you desert pe said dyet, appointit pe said aucht day of Junij instant; and on nawyise vnlaw the said Thomas nor his cautionar for nocht entre pairat, bot desist fra all maner of proceding pairin; pat according to pe submissioun, pe remaning of pe feid may be pe bettir handillet, and proceed without impediment. As you will ansuer to us vpoun your office and obedience: Quhairanent pir presentis salbe your warrant. Subscryueit with our hand, at Lynlythqw, pe ferd day of Junij, 1596.

(Sic subscribitur) JAMES R.

Quhilk Warrant the Justice obayit, and thairvpoun desert the said Court, in respect of na contrair warrant produceit.

Consulting with Witches, for Destruction of Earl of Orkney, &c.— Witchcraft—Poisoning—Murder.

June 24.—JOHNNE STEWART Maister of Orknay.

Dilatit of consulting with vmq^{le} Margret Balfour, ane Wich, for the distructione of Patrik Erll of Orknay, be poysoning.

PERSEWAR, Mr Williame Hairt Aduocat to our souerane Lord.

PRELOQUITOURIS for the Pannell.

My Lord Barnbarrocht, Mr W^m Leslie, Mr Johnne Nicolfoun, Thomas Kennydy Tutour of Cassillis.

The famin day, Patrik Erll of Orknay being ofttymes callit, to compeir this day and place, to haif insfitt in perfuit of Johnne Maister of Orknay for the crymis contenit in the Lettres, as he that wes lauchfullie summond to that effect, comperit nocht; quhairvpoun the said Maister of Orknay askit instrumentis.

The said Mr Williame Hairt aduocat insfitt in perfuit of the said Johnne Stewart, for the crymes contenit in the lettres: That is to say;

DITTAY *against* THE MASTER OF ORKNAY.

FORSAMEKILL as the said Johnne Maister of Orknay, brother germane to Patrik Erll of Orknay, vpoun the fyrst, secund, thryd, ferd, fyft, saxt and remanent dayes of the monethis of October, Nouember, December and Ianuar, att the leift in fum of the dayes of the monethis foirfaidis 1593, Conspyrit the Murthour of the said Patrik Erll of Orknay, his brother, consultat and dewysit thairanent with vmq^{le} Alyfoune Balfour, ane knawin notorious Wich and execute to the death for Wichcraft; and that att the tymes foirfaid, within the said vmq^{le} Alyfounis hous in Ireland¹ in Orknay, how thay mycht haif bewichit the said Patrick Erll of Orknay his brother, and bereif him (of life) be Sorcerie and Wichcraft: Quhilk the said Alyfoune grantit and confest the tyme of hir execution and diuers tymes of befoir: LYKEAS, the said Johnne, in the foirfaid moneth of November, and in ane or vthir of the dayes thairof, schortlie eftir the deceise of vmq^{le} Robert Erll of Orknay, than past to M^r Williame Mwdeis hous, in Wallis in Orknay, accompaneit with James and Williame Stewartis, his brother, Patrik and Olipher Sinclaris, Thomas Palpla and vtheris thair complices, quhair the said Johnne with the saidis personis consultit, conspyrit and dewysit how to murthour the said Patrik Erll of Orknay his brother, be poysoning, or vthirwayes, be craft and quyet dealing. LYKEAS, the said Johnne hyrit and conduceit the said Thomas Palpla his seruitour to poyfoun the said Erll of Orknay, quha tuk the sam in hand; and being accusit thairof, confest the samin, and wes execute thairfoir to the deid: LYKEAS also, the said Johnne, with the assistance of the said Williame Stewart his brother and thair complices foirfaidis, consultit, dewysit and concludit att the tyme foirfaid, to haif murtherit the said Patrik Erll of Orknay, att ane Bankynet in Dauid Moncreifis, in Kirkwall in Orknay; quhilk the said Williame Stewart his brother hes confest diuerse tymes sensyne: LYKEAS, the said Johnne Stewart, in the moneth of December thaireftir, in the yeir of God foirfaid, att the leift in ane of the dayes of the said moneth, consultit, dewysit, conspyrit and interpryfit to haif enterit in, secreitlie, in the said Patrik Erll of Orknayis chalmer, within the Place of Birza in Orknay, thair to haif slayne and murtherit him in his bed. Committing thairby, att the leift doing that in him lay, be the meanis foirfaidis, to haif slayne and mordreift the said Patrik Erll of Orknay.

The samin day the said Mr of Orknay declarit, that albeit the summondis be altogidder irrelevant in the thre heidis thairof, viz. Wichcraft, Poysoning and Murdering of his brother, anent the speciall circumstances and factis alledgeit done and interpryfit be the said Maister of Orknay, and that it is newir lybellit that ony effect followit vpoune the said pretendit purpois of consultatioun, quhilk

¹ Yreland, or Yrland, 'a town' in the parish of Stennes or Stenhous.

is alwyife denyit and is maist fallſlie forgeit ; yit neuirtheles, in reſpect of his innocencie, he is content to abyde the ordinar tryall of all the poyntis and crymes ſpecifeit in the ſaid ſummondis.

The ſamin day the Aduocat produceit his Maieſteis Warrant, and deſyrit the ſamin to be inferit ; and forder deſyrit the concurs of my Lord of Orknay, as he that wes lauchfulle wairnit to that effect ; quha being callit comperit nocht ; and the ſaid Aduocat deſyrit proces, and tuik instrumentis, that the partie opponit nocht aganis the ſamin. Followis the tennour of the Kingis Warrant.

REX,

MR THOMAS HAMMILTOUNE of Drumcarne, and Williame Hairt of Lewielandis, aduocattis to our ſouerane Lord. We greit 3ow weill. It is our will, and We command 3ow, that incontinent eftir pe ſycht heirof, 3e compeir before our Juſtice or his Deputis, in ane Court of Juſticiare to be hauldin in our Tolbuith of Edinburgh the xxij day of Junij iſtant, and inſiſt in perſuit of Johnne Stewart, Mr of Orknay, ſummond be vertew of our vtheris Lettres, purcheft att 3our iſtance aganis him, for pe alledgeit conſulting, enterpryſing and dewyſing of pe ſlauchter of Patrik Erll of Orknay ; and that 3e nawyis conſent to prorogatioun or delay of pe ſaid mater to ony vthir day, nochtwithſtanding of ony directioun purcheft or to be purcheft in pe contrar heirof : For pe quhilk pir preſentis ſalbe to 3ow ane warrant. Subſcryuit with our hand, Att Halyruidhous, pe xvij of Junij, 1596.

(Sic ſubſcribitur)

JAMES R.

ASSISA.

Laurence Bruce of Cultman-	Sir Wm. Stewart of Houſtoun,	Frances Robertſoun, burges thair,
Lundie,	knycht,	Williame Tod thair,
Hew Sinclar of Burgh,	Thomas Otterburne of Reidhall,	Johnne Makie thair,
Alexander Lord Spynie,	Patrik Chene of Effilmonth,	Johnne Dik thair,
Robert Lord Sanquhar,	James Ogilvie of Balfour,	Patrik Kennedie burges thair.
. . . . Mr of Ogilvie,	Andro Bauchop, burges of Edr,	

The ſaid Maifter of Orknay produceit ane Declaratioun vnderwrittin, togidder with ane Inſtrument, quhilk thay deſyrit to be inferit in the proces.—Item, the ſummondis is foundit vpoun thre heidis, viz., Wichcraft, Poyſoning and Murthering of his brother : As to the ffyrſt point, albeit the ſpeciall circumſtances of the mater be nocht ſpeciallie qualifeit and ſett down in the ſummondis, yit he is content to abyde ane Affyſe thairof, in reſpect of his innocencie. And as to the Confeſſioun of Aleſoun Balfour, to remember the Affyſe, that the ſaid Aleſoun wes, be vehement tortour of the caſchielawis,¹ quhairin ſche wes kept be the ſpace of fourtie-aucht houris, compellit to mak the ſaid pretendit Confeſſioun : Likeas hir huſband callit Taillieſeir, being ane man of lxxxxj yeiris of aige, togidder with hir eldeſt ſone and hir dochter, wer all kept at anis and

¹ This instrument of torture is elsewhere called *caspicaws*. Dr Jamieson conjectures the word to ſignify ‘the warm hoſe.’ No doubt the application of intense heat to the limbs, during the infliction of the torture, was uſual in various countries. After encircling the leg with an iron frame-work, it was put into a moveable furnace or chauffer, and during the progress of heating the iron, the intended queſtions were ſucceſſively put. This exquisite pain muſt have induced the unhappy ſufferer to confeſs almoſt any thing that might be propoſed. Perhaps the inſtrument may, from this laſt circumſtance, have obtained the *soubriquet* or nickname from an old French word, *Casse-loix*.

at the same instant in waird, besyde hir, and put (to) tortouris att the same instant tyme; the fader beand in the lang Irnis of fiftie stane wecht; the sone callit in the buitis with fiftie sewin straikis;¹ and the dochter, being sewin yeir auld, put in the pinnywinkis;² to this effect, that hir said husband and bairnis beand swa tormentit besyde hir, mycht move hir to mak ony Confessioun for thair releif: Lyke as thaireftir, immediatlie eftir hir reliefe out of the said torment, sche revoikit the said Confessioun: And thaireftir, in presens of the hail toune, before the Assyse, and att the tyme of her executioun, sche declarit oppinlie, that the said Confessioun wes altogidder fals and extortit: The notorietie quhairof is referrit to the Assyse. ITEM, the vthir twa heidis, anent the poysoning and the murthering, (albeit the same be nawyise relevant poyntis of ony tyme, becaus it is nocht alledgeit that thair followit ony thing vpoun the saidis pretendit consultatiounis, nor yit that the same cam *ad actum proximum*;) the Maister being altogidder innocent of the said pretendit forgeit accusatiounis, refusis na tryell: And as to the Confessioun maid be Thomas Palpla, the same wes in lyke maner extortit of him, he being kepit in the caschielawis ellewin dayis and ellewin nychtis;³ tuyise in the day, be the space of fourtene dayis, callit in the buitis, he beand naikit in the meane tyme, and skairgeit with towis,⁴ in sic soirt, that thay left nather flesch nor hyde⁵ vpoun him: In the extremitie of the quhilk tortour the said pretendit Confessioun wes drawin out of him: Quhilk pretendit Confessioun he ewir revoikit and recantit, immediatlie as he wes frie of the tortour; and att last, publictlie, the tyme of his executioun, he oppinlie revokit the famin, quhilk wes referrit to the Assyse.

Follows the tennour of the instrument produceit.

DECLARATION OF ALESOUN BALFOUR, *at the place of her Execution.*

APUD KIRKWALL, vpoun pe Heding-hill of pe same saxtene day of December 1594. IN presens of Thomas Swyntoun Minister at Kirkwall, Johnne Stewart Reidar pair, Mr Gylbert Body Minister att Holm, Alexander Somerwall in Deirnes, Johnne McKenzie, David Moncreif seruitour to my Lord Erll of Orknay, and Gylbert Pacock, with findry vthiris. The quhilk day, in presens of me notar publict vnderwritin and witneffis foirsaidis, ALESOUN BALFOUR, being condampnit for hir alledgeit poyntis of Wichcraft, and led to pe Hill to pe place of Executioun; sche, in presens of me and witneffis foirsaidis declarit and tuik vpoun hir faull and conscience, as sche wald anfuer att pe day of judgement, quhen the secreitis of all haitis salbe disclofit, that sche wes als innocent and wald die als innocent of ony point of Wichcraft as ane barne new borne: AND als, being inquiryt vpoun hir faull and conscience to declair 'quhat sche knew of pe Laird of Stenhous, and to quhat effect he gaif to hir pe walx pat wes fund in hir purs?' Quha pan presentlie declarit, be hir pairt of Paradyce, and as

¹ See Fian's Trial, p. 219, &c. and the Trials for Witchcraft. ² See p. 215. ³ This fact is quite inconsistent with the application of intense heat. Perhaps the instrument may have been similar, in its construction, to the Witches' bridle, mentioned in the notice prefixed to the Trial of Bessie Dunlop. See page 50. ⁴ Ropes, cords. ⁵ Skin. A most disgusting and frightful instance of the iniquities practised under form of law; which, indeed, would disgrace the most barbarous tribe of Indians!

ſche wald anfuer to þe lewing Lord, that ſche knew na thing to þe auld Laird of Stenhous bot honeſtie; and þat his Lady, being ſubiect to the colick, notour to hir, willit þe Laird to giff hir ane peace walx, a fowre 3eir bygane ſyne, to mak ane implaiſter; to be imployit be hir to his Lady, for remedie of hir ſaid diſeiſe, and na vthirwyis, as ſche wald anfuer to þe lewing God of heavin and aeirth: And ſaid þan playnlie, þat ſche wald die with the ſame confeſſioun; lykeas, ſche thane deit conſtantlie pairwith. AND ſiclyke, being inquyrit and accuſit be þe Perſoun of Ropher, 'gif ſche wald abyde be hir fyrſt Depoſitioun, maid in þe Caſtell of Kirkwall, vpoun the day of December inſtant?' Quha anfuerit, þat þe tyme of hir firſt Depoſitioun ſche wes tortourit diuerſe and ſeuerall tymes in þe Caſchielawis, and findrie tymis takin out of þame deid,¹ and out of all remembrance ap^r of guid or ewill; as lykewyis hir guidman being in þe ſtokis, hir ſone tortourit in þe Buitis, and hir dochtir put in þe Pilliewinkis, quhairwith ſche and þay wer ſwa vexit and tormentit, þat pairtly to eſchew ane gretar torment and pwneſchement, and vpoun promeis of hir lyffe, and guid deid be þe ſaid Perſoun, falſlie, aganis hir ſaull and conſcience, ſche maid þat Confeſſioun, and na vthirwyis: For þe quhilk, ſche aſkit þe Lord mercy and forgiuenes; and conſtantlie deit pairatt. Quhairvpoun all and findrie þe premiſſis, Thomas Ballendene fear of Ewe tuik act and inſtrument.

(*Sic ſubſcribitur,*)

Ita eſt, JACOBUS NEVENE, notarius publicus

ac teſtis in premiſſis rogatus et requiſitus: Teſte manu propria.

After the quhilk Declaratioun, the Juſtice patt the ſaid Johnne to the tryell of the Affyſe. Quhilk perſounes being choſin, ſworne and admittit, and the ſaid Johnne Maifter of Orknay, being accuſit be Dittay of the ſaidis crymes, in thair prefens, he denyit the ſamin. Eftir the production of certane euidendis and inſtrumentis, quhair the ſaidis vmq^{le} Alyſoun Balfour and Thomas Palpla maid revocatioun of thair Depoſitiounis and Confeſſiounis, alledgeit maid in preiudice of the ſaid Johnne Maifter of Orknay; the Affyſe tuik inſtrumentis, that thair wes na thing producit for verificatioun of the Dittay, and that the ſaid Dittay wes nocht ſworne.

The ſaid perſoun on pannell aſkit inſtrumentis of the cheſing of the Affyſe but oppoſitioun.²

VERDICT. The Affyſe removit altogidder furth of Court to the Counſal-hous, quhair thay, be pluralitie of vocis, chuſe Robert Lord Sanquhar Chancillar of the ſaid Affyſe; and thairefter reaſonit vpoun the poyntis of the Dittay, and haifing votit thairvpoun, efter voting and reſolutioun, re-enterit agane in Court, quhair thay, be the mouth of the ſaid Chancillar, ſſand the ſaid Johnne Stewart Maifter of Orknay to be Acquitt and innocent of the haill crymes and poyntis of Dittay particularlie above mentionat, quhairrof he wes accuſit.

[*Mr James Fowlis, Juſtice-Depute.*]

Forcible Abduction—Raviſhing.

Jun. 30.—ALEXANDER FLEMING of Barrochan, Patrik Fleming and Mr James Fleming, his ſonis, &c.

¹ In a ſwoon, or 'dead-faint.'

² Without challenge upon his part.

Comperit Patrik Maxwall of Dargavell, and produceit our fouerane lordis lettres, dewlie execute and indorfate be the said Patrik him selff, Marioun Porterfeild his spous and Rabeca Maxwall his dochter, to tak fouirtie of the said Alexander, Patrik and Mr James, and vtheris thairin contenit, that thay sould haif comperit this day and place, and vnderlyne the law for airt and pairt of the cuming to the said Patrik Maxwallis duelling-place of Dargavell, and Reveifching of Rabeca Maxwall his dochter furth thair of, and taking of hir away with thame to the place of Barrochane, and keping hir in strait firmanse, be the space of fyftene dayis or thairby; committit vpoun the thryd day of Nouember last-bypast, and vtheris crymis contenit in the lettres direct thairupoun.

This mater ordenit to be continewit, be the Priour of Blantyre thesaurar and the Justice Clark, be thair Precept.—Sir Patrik Houftoun of that Ilk became pledge and fouirtie for Alexander Fleming of Barrochane, Patrik F. his sone and apperand air, Mr James F. alse his sone, Hew F., James F., James Henrysoun and Peter Cuming, seruandis to the said Alexander; Robert Fleming in Covenlie, Gabriell Reid in Barrochane, Williame Houftoun thair, Patrik Houftoun thair, Williame Reid in Hillis, Patrik Fleming in Aylie, Thomas Kellocht in Craighall, Matho Patrik thair, Johnne Allane in Cruik, James Fleming in Corf-lie, Patrik F. att the kirk of Killellane and Alexander Alschenar in Wod, and that thay fall compeir before our fouerane lordis Justice or his deputis, the thryd day of the nixt Justice-air of the sherefdom of Renfrew, or soner quher or quhen it fall pleis our fouerane Lord, vpoune fyftene dayes wairning, and vnderly the law for the said crimes.

Forcible Abduction, &c.

Jul. 5.—WILLIAME BANNATYNE of Corhous.

Dilatit of airt and pairt of the away-taking of and reifing of Margret Hammiltoune, dochter to Johnne Hammiltoune of Auchnaglene, furth of Johnne Weiris hous of Dargavill.

PERSEWARIS.

Johnne Hammiltoune of Auchnaglene,
Mr Williame Hairt, aduocat to our fouerane lord.

PRELOQUITOURIS for the pannell.

Mr Thomas Craig,
Mr Alexander King.

The said Williame Bannatyne tuik instrumentis of his compeirance. Compeirit James Reid, Conftabill of the Castell of Edinburgh, and tuik instrumentis that he had presentit Williame Bannatyne of Corhous before my Lord Justice, and enterit him on pannell, conforme to the Warrant direct be the Lordis of Counfall to that effect.—The said day comperit Mr James Hammiltoune of Caudor and Williame H. of Hillis and James H. of Bardowie 3ounger, and tuik instrumentis of the production of our fouerane lordis (letteris) dewlie execute,

purcheft be Johnne Hammiltoune of Auchnaglene for summondng of ane Affyife to Williame Bannatyne of Corhous.—As also comperit Johnne Hammiltoune of Auchnaglene, and infistit in perfuit of Williame Bannatyne of Corhous, and thairvpoun tuik instrumentis.—The said Williame Bannatyne of Corhous tuik instrumentis, that Williame Hammiltoune of Auchnaglene, being defyrit to fweir the Dittay gewin in aganis him, declarit, he wes fa informit, be brute,¹ that he did the famin; bot he wald nocht tak it vpoun his conscience that the famin wes trew done be him.

The perfewar and the aduocatt protestit for Errour, in caise thay Acquyte the said Williame Bannatyne.

DITTAY against Williame Bannatyne of Corhous.²

FORSAMEKILL as the said Johnne Hammiltoune haifing placeit Margret Hammiltoune his dochter, ane bairne of ten 3eir auld or pairby, with Johnne Weir in Dargavill, hir moder-brother, to haif bene educat and brocht vp be him, vntill hir lauchfull and perfyte age; lipning that nane sould haif interruptit hir educatioune and vpbringing, or attempted ony violence or iniurie aganis hir; nochtwithstanding quhairof, it is of veritie, that Williame Cwninghame tutour of Boningtoune, accompaneit with certane bretherene and seruandis of Williame Bannatyne of Corhous, mountit vpoun the said Williamis awin hors, be his speciall caufing, directioun, sending and hounding out, all bodin in feir of weir, with vnlauchfull and foirbidin wappinnis, come vpoun pe xxviiij day or pairby of March last-bypast, vnder sylence and cloud of nycht, to pe said Johnne Weiris duelling-hous of Dargavill, lyand within pe sherefdome of Lanark, and violentlie enterit pairin; fyrst, schamefullie and vnhonestlie perfewit the said Johnne Weir of his lyffe, rest his purs fra him, quhairin thair wes ane grit quantitie of gold and siluer, hurt and woundit him in diuers pairtis of his body, and left him lyand for deid; and thaireftir, violentlie tuik the said Margret away with pame, fyrst to pe place of pe Corhous, quhair sche wes reffaut and keptit all that nycht, be pe knowledge, allowance and privitie of pe said Williame Bannatyne, and paireftir, be his directioun, convoyit hir away to sum pairtis of pe Bordour, quhair sche wes keptit and detenit: The away-takeris of hir remaning continewallie senfyne in hous and company with the said Laird of Corhous; quha intendit, in hir minoritie, to move hir to findrie purpoffis, altogidder to hir difadvantage.

Wes putt to the knowlege of ane Affyis, and in thair presens, wes accusit be Dittay of the crymes aboue writtin; quha denyit the famin straitlie.

VERDICT. Eftir the quhilk accusatioune, thay past altogidder furth of Court (to) ane secreit place in the eird of the said Tolbuith, quhair thay convenit and chuse Robert Scott of Thirlstane chancillar, and eftir chesing of him past to voting vpoun the pointis of the Dittay foirsaid; and being resolut thairwith re-enterit agane in Court, quhair thay, be the mouth of the said chancillar, fand,

¹ Fr. *Bruit*, report, rumour. ² This crime affords a striking picture of the times; which, by reference to the Criminal Records, will be found one of very frequent occurrence. Heiresses were forcibly carried off by some powerful Baron or Laird, who had perhaps been disappointed in effecting a marriage for themselves or sons, by fair means. A fitting opportunity was watched, and the young lady relieved of the tediousness of courtship, by getting a priest on the other side of the Border to marry them 'out of hand.' Abductions were also common on the part of relations, competing for the guardianship of the heiress.

pronunceit and declarit the said Williame Bannatyne of Corhous to be clene, innocent and acquit of the crymes aboue writtin.

Ambeſetting the High way — Hurting and Wounding, &c.

Jul. 7.—THOMAS EWING at the Mylne of Ogilvie.

Dilaitit of airt and pairt of the hurting and wounding of Williame Broun in Nether Baddinhaith, in diuerſe pairtis of his body, to the effuſioun of his blude in grit quantitie; be gewing of him of ſaxtene bludie woundis in the body, be way of murthour, vnder ſylence of nycht; committit in the moneth of Auguſt laſtbypaſt.

PERSEWARIS.

Williame Broune in Nether Baddinhaith,
Mr Thomas Hammiltoun, (King's Advocate).

PRELOQUITOUR for the pannell.

Mr Johnne Moncreif.

The ſaid Williame Broun produceit the lettres aganis the ſaid Thomas Ewing, dewlie execute and indorſat, and tuik instrumentis thairvpoun.—The Aduocat produceit his hienes Warrant, ordaining him to inſiſt in perſuit of Thomas Ewing.—The perſewaris aſkis instrumentis that the ſaid Williame aſkit instrumentis.

The perſewaris (pannell?) alledgis, that the lybell is irrelevant foundit; becauſ that nather ſlauchter nor mutilatioun followit thairvpoun; and it appertenis to the ſheriff.—The aduocat anſueris, that the alledgeance aucht to be repellit, becauſ the defender is nocht perſewit vpoun ane intendit murthour, vpoun foirthocht felony vnder ſylence of nycht, *quodquidem conſilium homicidij cogitati, per induſtriam et inſidias peruenit ad actum*; quhilkis qualiteis being conjoynit, makis the lybell relevant.—The perſewar (pannell?) anſueris, *non eſt crimen leſe maiestatis et nihil peruenit ad actum*.—The aduocat alledgis, that the alledgeance aucht to be repellit, in reſpect of the lybell.

The Juſtice findis the lybell relevant.

VERDICT. The Affyſe, for the maiſt pairt, Acquit the ſaid Thomas Ewing; fforſamekill as he, vpoun the xxvj day of Auguſt laſtbypaſt, accompaneit with Williame Ewing his brother, vnder ſylence and cloud of nycht, vmbefett the hie way and paſſage to Williame Broun in Nether Baddinhaith, vnder ſylence of nycht, be way of Murthour and Brigancie, vpoun the croft of his Landis of Nether Banhaith; and thair, with ſwordis and quhingaris, crewallie invadit him for his ſlauchter and murthour, hurt and woundit him thairwith, be gewing of him of ſaxtene bludie woundis in the heid, and diuerſe vtheris pairtis of his body, to the effuſioun of his blude in grit quantitie; vpoun ſett purpois, proviſioun and foirthocht felony; and for caſting of him be the heillis in ane burne callit the Stankburne, belewand he wes deid, of purpois to haif drownit him. Pronunceit be the mouth of Nicoll Towart (in Blakfurd), Chancillar (of the ſaid Affyſe).

Hurting and Wounding—Theft, &c.

Jul. 28.—HARY AUCHINCRAW, in Fowldene.

Dilatit of airt and pairt of the thifteous steling of ane lokit gold and filuer bag, fra Robert Gray, merchand burges of Edinburgh, togidder (with) lxxxxij fyve pound pecis, fyve four pownd pecis, thre dowbill duikatis, thre dowbill crose duikettis, fyve auld roif-nobillis, fyve fouerane angellis, thre dowbill myllrais, v lib. Scottis filuer; committit in Apryll 1594.

It is allegeit be the said Hary Auchincraw, that na continewatioun aucht to be grantit this day, becaus all Justice courtis ar peremptour; lykeas he being summond to this day, he comperit personallie, offering him reddie to abyde ane tryell; quhairvpoun fyftene personis of Inqueist ar callit, ressaute and admittit; swa that thair being na alledgeance maid be the partie, nor na vthir lauchful impediment proponit in the contrar, this proces can nocht be delayit, feing he can nocht be obleist to find cautione; and quhidder he be acquit or fylit, he aucht nocht to find caution, feing he is present within the bar.

The Aduocat allegis that the Justice mycht continew the mater to the morne.

The Justice continewis to the morne. ‘Plegio Bernardo Borthuik de Collielaw—pena V^c mark.’

Jul. 29.—[‘Dilatit of setting vpoun Robert Gray, merchand burges of Edinburgh, and hurting of him in diuerse pairtis of his body: and for the thifteous steling fra him of certane gold and filuer.’] The said Hary Auchincraw comperand, desyrit the Assyise to be callit quha wes admittit zisterday; and offerit him reddie to vnderly the law, for the cryme aboue writtin, and desyrit the Justice to put him to the said Assyise; quhairvpoun he askit instrumentis. The partie on pannell takis instrumentis of his offer to vnderly the law, and dissassenting to all continewatioune; and protestit that he be nocht continewit, in (virtue) of his oft comperance in the mater, at twa feuerall dyettis of befoir. The pannell protestit, that in respect Robert Gray being within the bar, as also M^r Williame Hairt, aduocat, his persewaris being present and refusit to persew, that na lettres be grantit in tyme cuming.

The Justice continewis to gif ansuer the morne. ‘DESERT, in respect Robert Gray comperit nocht to persew, nor the aduocat.’

Slaughter of a Messenger at Arms.

Jul. 29.—PATRIK BARCLAY of Towie.

Dilatit of airt and pairt of the slauchter of vmq^{le} Williame Mure, messinger in Deir; committit in the moneth of Februar lastbypast.

PERSEWARIS, Janet Keyth relict, M^r Williame Mure as sone, M^r Williame Hairt (King's Advocate.)

PRELOQUITOURIS for the Pannell, M^r Johnne Schairp, M^r James Donaldsoun.

The purfewaris tuik instrumentis of production of the lettres aganis Patrik Barclay of Towie, and protestit for relief of thair cautioneris.

The said M^r Williame Mure produceit the Kingis Maiesteis Warrant, ordaining the mater persewit, aganis Patrik Barclay of Towie, to be continewit to the nynt of August nixtocum.

The Justice Continewis the actioun to the morne, to be auyisit with the Counfall. 'Plegio, Magistro de Elphinstoune.'

HIS MAIESTIES WARRANT.

REX,

JUSTICE, Justice clerk and your deputis, We greit you weill. Forfamekill as our vtheris lettres ar purchest, att pe instance of pe relict, bairnis, kyn and freindis of v^mq^{le} Williame Mure, messenger in Deir, for calling of Patrik Barclay of Towie before you, in our Tolbuith of Edinburghe, the xxix day of July instant, to vnderly our lawis, ffor airt and pairt of pe slauchter of pe said v^mq^{le} Williame Mure: As also, our vtheris lettres ar direct for calling of diuerse personis, seruandis to pe Lady Erroll, to compeir before you in pe Tolbuith of Edinburghe, the xxix day of July instant, to vnderly our lawis ffor airt and pairt of pe slauchter of pe said v^mq^{le} Williame Mure: As also, our vtheris lettres ar direct for calling of diuerse personis, seruandis to pe Lady Erroll, to compeir before you, in the Tolbuith of Edinburghe, the nynt day of August nixtocum, to vnderly the law, ffor pe taking of Williame Keyth of Ludquhairne, and vtheris crymes contenit in pe saidis lettres: AND haifing consideratione, that pe slauchter of pe said Williame Mure fell out, vpoun pe taking of pe said Williame Keyth, and executione of our vtheris Letteris, aganis pe personis committeris pairt of; for eschewing of pe trubling of ane Assyse, quha ar to be summond vpoune bayth the saidis crymes, We haif thocht it guid to continew the dyet, for pe slauchter of pe said v^mq^{le} Williame Mure, to pe said nynt day of August nixtocum, to pe effect the personis of Assyis be nocht putt to pe dowbill travell. Thairfoir, and for diuerse vtheris considerationis moving ws, it is our will, and We command you, that incontinent eftir pe sycht hereof, you continew pe persuit of pe lettres purchest aganis pe said Patrik Barclay of Towie, for pe Slauchter of pe said v^mq^{le} Williame Mure, to pe nynt day of August nixtocum; swa that pe crymis contenit in ap^r of pe lettres may be tryit be ane Assyis: And tak sufficient caution for pe entrie of pe said Patrik Barclay, pe said day: Quhairanent thir presentis salbe to you ane warrant. Subscryuit with our hand, att Dunfermling, the xxix day of July, 1598.

(Sic subscribitur)

JAMES R.

(Jul. 30.)—The Aduocat takis instrumentis of the production of ane Warrant of the Counfall, and desyrit the samin to be ingroft. The pannell takis instrumentis, that the parteis, being oft tymes callit, comperit nocht. The Aduocat past fra the pairt of the summondis bering Treffoune.

ASSISA.

Andro Reid of Colliestoune,
Alex^r Blakhall of that Ilk,
Patrik Chene of Effilmont,
Alex^r Wod of Colpnay,
James Chene of Straloch,

Patrik Leask of Haddo,
M^r Alexander Innes,
Thomas Leask of Auchinad,
Archibald Bruce of Pitfowlis,
Robert Drummond of Drill,

Sir George Ogilvie of Dunlugous,
Williame Forbes of Corfindae,
Williame Leask of that Ilk,
Abraham Forbes of Blaktoun,
Robert Innes of Coitis.

The Assyse, be pluralitie of vocis, chese Sir George Ogilvie of Dunlugus (Chancellor.)

VERDICT.—The Affyis, in ane voce, Acquyte Patrik Barclay of Towie of airt and pairt of the slauchter of vmq^{le} Williame Mure, Messinger; committit be Patrik Cantlie, than his seruand, of the speciall causing, hounding, sending, directing, command, assistance and ratihabitatioun of the said Patrik, in the moneth of Februar lastbypast, vpoun sett purpos, prouisione and foirthocht felony.

The quhilk day comperit Patrik Barclay of Towie and produceit ane War-rand delyuerit be the Counfall, and desyrit the Justice and the Aduocat to insist in persuit, according to the tennour thair of; quhilk the Aduocat desyrit to be insert in proces, quhair of the tennour followis.

My lordis of Privie Counfall, vnto your ll. huimlie menis and schawis I your seruitour, Patrik Barclay of Towie, That quhaire, Jonet Keyth, pe relict, with pe bairnis and freindis of vmq^{le} Williame Mure, messinger, within pe sberisdome of Abirdene, being sterit vp, movit and perswadit be pe instigatioun of sum of my vnfreindis, hes nocht only now, but att diuers tymes ofbefore, vpoun pair wrangus narratioun, purchest Lettres and pairwith causit charge me to vnderly pe law, for pe alledgeit airt and pairt of pe slauchter of pe said vmq^{le} Williame Mure, messinger, committit be Patrik Cantlie, my alledgeit seruand, vpoun the saxtene day of Februar lastbypast, 1595, the said vmq^{le} messinger thane being in executioun of his office, &c. According to pe quhilkis Lettres and chargeis, I, pe said Patrik Barclay, being alluterlie innocent of pe said cryme, fand caution and souertie, in dew tyme, att ewerie charge, to haif vnderlyne pe law for pe famin, to diuerse dayes bypast; and att last, to pe xxix day of Julij instant, before the Justice (and) his deputis; and comperit personalie att all pe said dyettis bygane, as I did this day before the said Justice, offering me reddie to vnderly pe law for pe said cryme, pair being sufficient number of Inqueist summond and comperand att ewerie day to compeir pairvpoun: As the Justice, deputis and clarkis, with the actes takin pairvpoun will testifie: Newirpeles, the saidis persewaris, or rap^r my inimeis, quha steirit pame vp pairto, hes att diuers tymis bygane purchest Lettres subscryuit be our souerane lord, direct to pe Justice and his deputis, to continew pe dyettis quhairvnto I wes chargeit in pe said mater; and namelie, this day hes procureit and produceit his Maiesteis Letter vnder his subscriptione, vpoun sinister narratioun, to continew the sament vnto pe nynt day of August nixtocum; to pe quhilk continewatioun I dissentit, and offerit me reddie, presentlie, as I do zit, to vnderly pe lawis for pe said crymes, quhair of I am innocent. AND seing the Justice depute hes continewit his Interloquitour to be gewin pairvpoun quhill the morne, and is to tak your ll. aduise, quhidder he fall proceid or nocht, nochtwithstanding the said privie letter of continewatioun; and that it is also of veritie that I and my freindis, with the personnes of Inqueist, hes bene put to gret trubellis and expenss now and ofbefore, in keiping of all pe dyettis in pe said mater, alsweill principall as continewatioun, purchest be pe persewaris and my vnfreindis; and that thair intentioun is to trubill me and my freindis pairby, in cuming heir fyue scoir of myles att ilk dyet, and in waisting our rentis and substance in attending pairvpoun: And that the said slauchter wes only committit be pe said Patrick Cantlie, vpoun ane particuler quarrell and feid betuix him and the said vmq^{le} William Mure, quhair of I wes newir participant, airt nor pairt. Heirfoir I beseik your ll. to tak sic ordour in pe premissis, that I and my freindis fall nocht be trublet to keip ony forder dyettis in pe said mater, bot that proces may be grantit and followit out pairtill the morne, bot forder delay; and to that effect, to caus the parteis persewaris, being heir present, and oure souerane lordis Aduocat, to summond and haif reddie ane Affyse to pass vpoun samekill of pe saidis Lettres as salbe fund relevant; quhairvnto I am willing to ansuer instantlie, as I wes att all dyettis ofbefore, bot ony forder delay: And your ll. ansuer huimlie I requyre.

(Sic subscribitur in dorso,) Apud Edinburghe, xxix Julij, J^m.V^o.lxxxxvj. The Lordis of Secreit Counfall Ordanis the Justice, Justice Clark and pair deputis, to proceid and minister justice vpoun pe complainer within writtin, the morne, but forder delay or continewatioune; conforme to pe lawis of pis realme: And that the Aduocat infist in pe perfuit of him; as thay will ansuer to his Maiestie and pe saidis Lordis pairvpoun.

(Sic subscribitur) BLANTYRE. M. R. YOUNG.

The famin day, Jonet Keyth the relict, and M^r Williame Mure as sone, with the kyn and freindis of vmq^{le} Williame Mure messingir in Deir, being oft tymis callit to infist in perfuit of the said Patrik Barclay of Towie for the said slauchter, the lauchfull tyme of day biddin and nocht comperand; the Justice ordenit Mr Williame Hairt Aduocat to compeir and infist in perfuit, quha comperit and produceit ane roll of Affyse of the personis aboue writtin.

The famin day, Patrik Barclay of Towie, being enterit on pannell, as summond be vertew of our fouerane lordis lettres, purchest att the instance of Jonet Keyth the relict, with the bairnis and remanent kyn and freindis of vmq^{le} William Mure messinger, and being persewit be Mr Williame Hairt aduocat, indytit and accusit :

DITTAY against Patrick Barclay of Towie.

FORSAMEKILL as Williame Keyth of Ludquharne, Alexander Keyth his sone and M^r Samuell Keyth his broper sone and our fouerane lordis aduocattis, haifing rafet his hienes letters att pair instance, for chargeing of pe said Patrick Barclay of Towie and Patrick Cantlie his seruand, now rebell and att pe horne, for pe caus and cryme vnderwrittin, to haif fand fouirtie that thay sould haif comperit before pe Justice or his deputis in pe Tolbuith of Edinburgh, att ane certane dyett speciallie contenit pairin, for certane haynous and tressonabill crymis contenit in pe famin; thay directit pe saidis lettres to pe said vmq^{le} W^m Mure messingir, for putting of pe famin to due execution; quha haifing ressaunt the famin, vpoun pe xvj day of Februar lastbypast, he past be vertew pairof, vpoun pe famin day, to pe place of Towie, quhair the said Patrik Barclay wes present for pe tyme; and becaus he could nocht apprehend his personall presens, he chargeit him pairatt; and siclyke chargeit the said Patrik Cantlie rebell personallie, foirnent pe 3ett of pe said place and delyuerit him ane copie. Eftir pe quhilk charge, the said Patrik Cantlie past in fra pe said messingar to pe place of Towie, to the said Patrik Barclay his maister; and eftir he had spokin with him, and had gottin direction fra him, to pe effect vnderwrittin, persaising the said W^m Mure messingir to be past away, he come furth vpoun the said Laird of Toweis best hors, followit the said vmq^{le} W^m Mure on horsbak, as he was rydand away in sobir and quyet maner, to put pe saidis lettres to forder executioun vpoun vtheris pairin specifeit, dredand na ewill, harme, iniurie or perfuit of ony persoune, bot to haif lewit vnder Godis peax and our fouerane lordis; in respect he wes in executioun of his office, and presentit our fouerane lordis persoun, till pe place and landis of, quhair he overtuik the said vmq^{le} W^m Mure; and pair, the said Patrik Cantlie, of pe speciall causing, hounding, sending, directing, counsaling, resetting agane with pe bludie hand, airt, pairt-taking, command, assistance and ratihabitoun of pe said Patrik Barclay his maister, sett vpoun him and maist crewallie and awfullie, fyrst with ane drawin sword, strak the said vmq^{le} W^m Mure in pe bak, to the effusioun of his blude in grit quantitie; and paireftir, with ane pistolet chargeit with bullett, schot the said vmq^{le} W^m throw pe body, and maist schamefullie and crewallie slew him pairwith: Eftir pe quhilk slauchter, he immediatelie paireftir returnit agane to the said place of Towie, quhair the said Patrik Barclay of Towie ressaunt him, with pe hett bludie hand: And

swa, the said Patrik Barclay of Towie is airt and pairt of þe crewall slauchter of þe said vmq^{le} W^m Mure messinger, committit in þe executioun of his office, vpoun sett purpos, provisioun and foir-thocht felony, in hie and manifest contemptioun of our souerane lordis authoritie and lawis.

VERDICT. The Assyse, be mouth of the said M^r George Ogilvy of Dunlow-gus knycht, chancillar, ffand, pronunceit and declarit the said Patrik Barclay of Towie to be cleane, innocent, and acquit of airt and pairt of the slauchter of the said vmq^{le} Williame Mure messinger; committit in the maner foirsaid.—Quhair-vpoun he askit actis and instrumentis.

Uttering calumnious speeches and slanders against the King.

Aug. 3.—JOHNNE DIKSOUN in Lyne, Inglisman.

Dilatit for contravening of the Actis of Parliament, in vtering of Calumnious speichis and sklanderis aganis our souerane lord, and calling of him ‘ane bastard,’ &c.

The aduocat (Mr Thomas Hammiltoun) producit the Depositionis of certane witneffis; and protestit for Wilfull Errour, in caise thay clange.

The Assyse tuik instrumentis, that Johnne Diksoun come in his Maiesteis will, for ony speich he spak aganis his hienes, quhilk wes in his drukinnes.

VERDICT. The Assyse, be the mouth of Robert Smyth (merchand in Edinburgh) chancillar, ffand, pronunceit and declarit Johnne Diksoun, Inglisman, in Lyn, to be ffylit, culpable and convict, for contravening of our souerane lordis Actis of Parliament; and speciallie, of ane Act maid be his hienes, in anno 1584, and in anno 1585, rateifeit be ane Act maid in anno 1594; in famekill, that vpoun the xxv day of Julij lastbypast, being the Sabbath day, Archebald Gairdenar, ane of his Maiesteis cannoneiris, haifing requyrit the said Johnne Diksoun to vyre his boit¹ to gif place to his Maiesteis ordinance; he fyrst anfuerit, that ‘he wald nocht vyre his boit for King or Kafard;’ and thairefter, maist prouddie, arrogantlie, sklanderoufflie and calumnioufflie callit his Maiestie ‘ane bastard King;’ and that ‘he wes nocht wordie to be obeyit.’

SENTENCE. The Justice depute, be the mouth of Williame Gray dempstar, ordenit the said Johnne Diksoun to be tane to ane gibet, standand beneth the mercat croce of Edinburgh, and thairvpoun to be hangit quhill he be deid,² &c.

Uttering and bending base coin.

Aug. 6.—ALEXANDER KELMAN in Garuiocht, and Williame Gairdin sone to W^m G., sone to Robert G. in Culroife.

VERDICT. Fand to be fylit, culpabill and convict of the outputting of false

¹ Veer his boat.

² See the Cases of Tennent, Oct. 10, 1600; Cornwall, Apr. 25, 1601; and Ross, who was executed on Sept. 10, 1618.

and adulterit coinage of the patren of ten-shilling-pecis, to the similitude of our fouerane lordis trew coinzie, to findrie persounes.

SENTENCE. The Justice, be the mouth of Johnne Nisbet dempstar, ordenit the saidis Alexander Kelman and Williame Gairdin to be tane to ane gybbet, vnder the mercat croce of Edinburgh, and thair hangit quhill thai be deid; and all thair guidis to be escheit.

Horse-stealing—Theft, &c.

Aug. 6.—SYMONE MOFFET in the Ryneclewis.

Dilatit and fylit for the thifteous steling of xxx naigis (horses) and meris; and alse of ane cloik, ane hairt of filuer owrgilt, ane woux,¹ ane Camrige owrla,² &c.; committit in Junij last; and of Common Thift.

SENTENCE. To be hangit quhill he be deid, vpoun the said Gibbet; and all his movabill guidis to be escheit.

Slaughter.

Aug 7.—GYLBERT PACOK, seruitour to the Maister of Orkney.

Dilatit of airt and pairt of (the slaughter of) vmq^{le} Hary Colvile (Persoun of Vrquhart); committit the nynt of Julij lastwas.

PERSEWARIS, James Merfar as brothir, James Coluile brothir sone, Mr Thomas Hammiltoune.

PRELOCUTOURIS for the pannell, Mr Rychard Spens, George Abirnethie.

The persewaris producit the Dittay aganis Gylbert Pacok, for the slauchter of vmq^{le} Hary Coluile Persoun of Vrquhart, and desyrit proces.

The pannell alledgis, that na proces can be led agane the said Gylbert this day, be reasoun he is nather tane *in flagranti crimine*, quhairof he is innocent; nor yit *contumax*, nor denunceit for ane crime; and swa, be the custum of the Court and Act of Parliament, he aucht to be summond vpoun xv dayes wairning. This wes decydit betuix Maidland and Crouner Prestounis brether, in this samin Justice Court, and in all vtheris persounes, quha wes presentit on this forme, on pannell: In respect quhairof, na proces can be had agane the defender, vnto the tyme he be summond vpoun xv dayes wairning.—The Aduocat anfuert, that the alledgeance aucht to be repellit, becaus the defender in effect wes tane *in flagranti crimine*; insafar as he, haifing committit slauchter contenit in his dittay, the complent thairof being maid to his Maiestie, he directit his Commissioun for taking of him; be vertew quhairof, he wes apprehendit, and now presentit to Justice. As to the practik alledgeit betuix Crouner³ Prestounis breder and Maidland, it can nawayis militat in this cais, becaus Maidland wes accusit for ane cryme committit in Flanderis, mair nor ane yeir eftir the com-

¹ Watch.

² Cambric overlay, a sort of ruff.

³ Colonel.

mitting thair of; and this man is apprehendit incontinent, sa fone as the cryme come to his Maiesteis knowlege, and sa fone as his hienes Commiffioun could tak effect. As to the defenderis alledgeance of his innocence, it is mair propper to be tryit be ane Assyse nor¹ to be credite for his affirmatioun.—It is anfuerit (replied), that the alledgeance standis relevant, nochtwithstanding the anfuer maid be the Aduocat and his lordschipis informeris, for heir I am vpoun the proceife castin of the Justice Court and Act of Parliament, the wordis quhair of admittis na extentioun nor interpretatioun, being it;² and the Act preceisslie beris, that ane partie nocht apprehendit *in flagranti*, quhilk is *in ipso delicto*, salbe wairnit vpoun xv dayes wairning; the custum of the Court, swa vniuersallie obseruit, thair is newir ane word *ex incontinente* contenit in the haill Act. As to the Kingis Commiffioun, direct for apprehensioun of the man, the forme of the Commiffioun standis according to the custum of Commoun law and practik, quhilk is but³ preiudice of the parteis lauchfull defenffis; swa that nowther the directing of the Commiffioun, nor apprehensioun of me, be vertew thair of hurtis me in my lauchfull defenffis; and the priuiledge is grantit to me, be his hienes lawis: And albeit, I haif the priuiledge vpoun xv dayes wairning, be his hienes lawis, yitt that all occasioun of giltyenes may be tane away, and that I wes maist innocent of the fact and cryme quhairvpoun I am to be accusit, desyring alwyis⁴ to haif the gyft of his hienes lawis, I cam in the countrey, and remanit in the countrey, nocht being fugitiue, and to abyde his hienes lawis, according to the lawis of the countrey: In respect quhair of, my alledgeance standis relewant.—The Aduocat acceptis the alledgeance *in quantum*, and thairby inferrit ane vehement presumptioun agane the defender of giltyenes, in respect he refussis to abyde ane tryell of the cryme presentlie laid to his charge; and forder, repetis the maner of his taking contenit in the fyrst anfuer, and referis to the Judge.

The Justice ffindis, nochtwithstanding of the said defenderis alledgeance, that the mater aucht to pass to the knowlege of ane Assyse.

Allegeis, that *James Stewart of Gramsly* can nocht pass vpoun his Assyse, becaus he is brother to my Lord of Orknay; becaus my Lord of Orknay is persewar, and hes gewin informatioun bayth to the Aduocat and vtheris, for persuit of the matter.—*James Stewart* repellit, becaus he gaif partiall counfall.—*Henrie Sinclair of Loquhoy* repellit, for partiall counfall.—*Eduard Scolay* repellit, for partiall counfall.

The Aduocat, for instructioun of the Assyse, producit his Depositionis.

The said Gylbert tuik instrumentis (that) he revokit his Depositionis.

VERDICT. The Assyis (thirteen in number) being sworne and admittit vpoun

¹ Than.

² This word is obliterated in the Record.

³ Without.

⁴ Nevertheless.

the Affyse of Gylbert Pacok, removit furth of Court to the Counsalhous and votit vpoun the poynt of the Dittay, eftir chefing of James Maistertoun (Merchand in Edinburgh) chancillar, and being throwchlie auisit thairwith, ffand, pronunceit and declarit the said Gylbert to be ffylit, culpabill and convict of airt and pairt, red and counfall of airt and pairt of the flauchtir of vmq^{le} Hary Coluile; committit the nynt of Julij lastbypast.

SENTENCE. To be tane to the mercat croce of Edinburgh, and thair his heid to be strikin fra his body; and all his movables escheate and inbrocht.

Hamesucken—Assieging House of Ludquhairn—Taking captive, &c.

Aug. 9.—WILLIAME MOWAT in Turreyf, (seruand to Alexander Hay eldest sone to vmq^{le} Andro Erll of Erroll).

Dilatit for cuming with convocatioun of our fouerane lordis lieges, bodin in weirlike maner, with lang culveringis, dagis and pistolettis, &c., contrar the tenour of the Actis of Parliament, be way of Hamesuckin, to the place of Ludquhairne, and asseigeing of Williame Keyth of Ludquharne thairin; entering thairin be force, taking of him captiue and prisoner:—And for maisterfull Reifing and away-taking, furth of the said place of Ludquhairne, of the said Williamis haill infycht pleneiffing and writtis: And transpoirting and careing of the said Williame Keyth of Ludquharne captiue and prisoner to the place of Ardmakhorne; quhair thay detenit him, be the space of aucht dayes or thairby; vsurp and thairby of our fouerane lordis authoritie vpoune thame; committit in the moneth of October lastbypast.

PERSEWARIS.

Williame Keyth of Ludquharne, Mr Thomas Hamiltoune of Drumcarne aduocat to our fouerane lord.

The Aduocat produceit ane command of the Kingis Maiestie, subfcryuit with his hand, with ane vthir Warrant subfcryuit be the Lordis of Sessioune, commanding the Justice to proceid and minister justice in the said mater, quhair of the tenouris follow.

REX,

JUSTICE, Justice Clark and your deputis, We greit 3ow weill. It is our will, and we command 3ow, pat vpoun pe fycht heirof, 3e faill nocht to proceid and minister justice, in pe criminall caus to be persewit before 3ow, att pe instance of pe Laird of Ludquharne and our Aduocattis for our interes, aganis certane personis contenit in pe Lettres raisit pairanent, for pe taking of pe said Laird, and vtheris crymes speciallie expressit pairin, vpoun pe nynt day of August instant; but all forder continewatioun or delay; nochtwithstanding of quhatsumewir vthir command, Warrant or objectionne, maid or to be maid, gewin or to be gewin in pe contrar; anent pe quhilkis and panis pairin, we dispens. As 3e will ansuer to ws, vpoune 3our offices and obedience: Quhairanent, thir presentis salbe 3our sufficient warrant. Subfcryuit with our hand, att Dunfermling, the nynt day of August, 1596.

(Sic subscibitur,)

JAMES R.

Followis the tennour of the SUPPLICATION, and WARRANT gewin be the Lordis of Sessioun.

MY Lordis of Counfall, vnto 3 our ll. huimlie menis and schawis, I 3 our feruitour, *William Keyth of Ludquharne*, That quhair I haif rasit criminall lettres be 3 our ll. delyuerance aganis *William Dwikat*, (Duiget or Duguid,) *Hary Ramfay*, Archd. Herring, *Robert Creychtoun* and *Alex. Harvie*, feruandis to Dame Elizabeth Dowglas Countes of Errol, *Alex. Hay* eldest sone to vmq^e Andro Erll of Erroll, *William Mowat* his feruand, *Patrik Con* of Auchry, *Alex. Hay* in Ardmakhorne, *Alex. Hay* in Auchquharne, *Patrik Cruikschank* in Ardifrie, *James Butter* in Gask, *Thomas Hay* pair, *Johnne Hay* and *Patrik Cantlie*, feruitour for pe tyme to *Patrik Barclay* of Towie,¹ *Gylbert Stewinsoun* in Ogftoun, *Thomas Craigie* in Lochcow, *Johnne Findlater* pair, *Johnne Stewinsoun* and *Thomas Gybsoun* pair, *Johnne Moffie* pair, *Wm. Sym* smyth in Myltoun of Sorvie, *Patrik Sym* att pe mylne of Sorvie, *Thomas Cruikschank* sone to *Patrik C.* in Ardifrie, *Patrik Hay* in Haddo, *Gylbert Gray* in Bannatwthill, *James Gray* pair, *Patrik Hay* in Over Ardinakhorne; and certane vtheris pair complices, specefeit in pe saidis Lettres, for pe crymes and cauffis pairin containit; quhilkis ar dewlie execute and indorfat vpoun pe foirnameit persounes, and pay pairby summond to compeir before the Justice generall and his deputes in pe Tolbuith of Edinburgh, the nynt day of August instant, in pe hour of caus; lykeas I am reddie to persew the saidis lettres. NEUIRYELES, as I am informit, *Ludouik Duik* of Lennox, att pe instigatioun and perswasoun of pe said parteis, intendis to vse and produce ane pretendit Commissioun of Lietenandrie within pe boundis of pe North, and be vertew pairof, to repledge the saidis personis fra the said Justice generall and his deputis to his iurisdictione and Court of Justiciare, to pe grit hinderance of Justice; albeit, the said pretendit Commissioun aucht nawayis to impeid nor stay justice, to be ministrat to all his Maiesteis lieges, be pe Justice generall and his deputis; the samin being grantit *cumulatiue*, and nocht *priuatiue*: Lykeas, I am nocht habill to persew justice aganis the foirnameit persounes in pe North pairtis of pis realme, in respect of pe grit multitude of my parteis, and pat pe Laird of Balquhan, Lieutenantis depute, is sifter and breir bairn with pe said Patrik Con of Auchry, ane of pe cheif committeris of pe crymis contenit in pe saidis Lettres. QUHILK being considderit be his Maiestie, his hienes hes directit his Warrant to pe Justice generall and his deputis, to proceid and minister justice in pe said mater to ws parteis, nochtwithstanding pe said pretendit Commissioun: As pe samin, subscryuit be his Maiestie, heir present to schaw, beris. NOCHTYELES, pe said Justice generall and his deputis refusis to obey pe samin, without pay be compellit. Beseikand heirfore 3 our ll., pat I may haif command to ane maser or vthir officiar of armes, to pass and charge pe said Justice generall and his deputis, to proceid and minister justice in pe said mater to ws bayth parteis, as accordis of pe law, nochtwithstanding of pe said pretendit Commissioun of Leutenandrie or Justiciarie, grantit to pe said Duik of Lennox; or ony vthir Commissioun, Letter or previe charge, purchest, or to be purchest att his Maiesteis handis, in hinderance of justice; and 3 our ll. anfuer.

(Sic subscribitur)

H. BIKARTOUNE.

(Sic deliberatur)

APUD EDINBURGH, nono Augusti, anno lxxxvj, Fiat vt petitur.

(Sic subscribitur)

BLANTYRE, M. J. LYNDESAY, Clericus Registri.

Compeirit M^r Thomas Rollok, procuratour for the Duik, and produceit ane Commissioun granted to his lordschip be his Maiestie, of the tennour and contentis thairin contenit, of the dait, at Abirdene, the aucht day of Nouember 1594; with ane Act of Secreit Counfall ratifeing the samin, of the dait, in December I^mV^e lxxxiiij yeiris; with lettres directit fra the Kingis Maiestie and Lordis of Secreit Counfall, of the dait in March lastwes, discharginge the Justice and Aduocat to pro-

¹ Vid. Trial of Barclay of Towie, (viz. Tollie or Tolly,) Jul. 29, 1596.

ceid aganis quhatfumeuir personis duelland within the boundis contenit in the Dukis Commiffioun, within the quhilk the faidis haill personis callit to this day, for the taking of the Laird of Ludquhairne, duell: And lykewayis tuik instrumentis, that the Justice wes dischargeit to proceed in the faid mater be James Lowrie, meffinger; and that for all of the faidis parteis: And allegeit, that the Justice could nawyis proceed, in respect of the writtis and discharge aboue mentionat, nochtwithstanding the Kingis Maieftis previe delyuerance, authorifit be the Lordis of Seffion, quhilkis ar nocht of that ftrenth and effect as to tak away the ftrenth and effect of the writtes aboue specifeit. The aduocat anfuerit, that the faid alledgeance aucht to be repellit, nochtwithstanding the writtis produceit, quhairvpoun the famin is foundit; in respect of the Kingis Maieftis expres Warrant in the contrar, togidder with the delyuerance of the Lordis of Counfall, alreddie produceit be the perfewaris, and of the Judgis notorietie that the Duikis Commiffioun is dischargeit and renunceit; lykeas the Warrantis produceit be the perfewaris tendis to the doing of Justice, and the vtheris Warrantis, produceit be the faid Mr Thomas Rollok, to the delay and hinderance of justice; and thairfore aucht nawyis to be respectit, and the Judge aucht to proceed and minister justice nochtwithstanding thair of.

It is forder allegeit that the Judge can nocht vnlaw the parteis nor thair cautioneris this day, in respect thay ar *in bona fide* and mycht iustlie byde away; this, in respect of the Commiffioun and Lettres of Discharge publictlye grantit, and the previe Warrant and delyuerance nather intimat nor declarit to thame, thare wes na neceffitie to thame to compeir, nor thay can nocht be put thairby *in mala fide*.—The Aduocat anfweris, the alledgeance aucht to be repellit, as nawyis compitent to the proponer, bot onlie to the parteis absent, quhais contumacie aucht to be pwneift for thair nocht compeirance.

THE Justice ffindis proces, and ordanis the cautioneris fand for thair compeirance this day to be vnlawit, &c.

The cautioners are accordingly amerced as follows: for Patrik Con of Auchry, fyve hundreth markis; for Alex^r Hay in Nether Ardmakhorn, ij^c markis; for Alex^r Hay sone to vmq^{le} Andro Erll of Erroll, ij^c markis; and the remainder, in j^c markis each.—And that ‘the principall persounes nocht comperand to be denunceit rebells and put to the horne, and all thair movabill guidis to be escheit and inbrocht to our fouerane lordis vse, as fugitiues fra the lawes for the crymes aboue writtin.’—Continued to the Air of ‘Aberdene, tertio Itineris, xv dierum.’

Theft—Spuilzie.

Aug. 12.—HENRY WALKER in Elrig and seven others.

Dilatit for airt and pairt of the taking of Niniane Thomfoune seruitour for

the tyme to Gylbert Pennycuick, brothir to the Laird of Pennycuick; and for that (he) thifteouſlie ſtall, concelit and away tuik fra him ſax hundreth markes money, ane pair of reid filk ſchankis,¹ thre pair of worſet ſchankis, twa pair of ſtemming fokis,² aucht farkis, xij ruffis of camrige and lanie,³ ane pair of mwles,⁴ ane pair of pantounis,⁵ twa pair of marrekynne ſchone;⁶ committ the ſecunde day of Nouember 1585.

The perſounis on pannell deſyrit the ſaid Gylbert Pennycuick to gif his ayth *de calumnia*, quhidder he hes guid caus to perſew the dittay or nocht. The ſaid Gylbert anſuerit, that he had guid caus, as he wes informit. Thaireftir the ſaid Gylbert declarit vpoun his knowlege, ſo far as he kennis, thay wer thair.—Thaireftir it wes alledgeit be the pannell that na partie, vpoun informatioun, can be had to perſew in Criminall cauſis, and ſpeciallie in the actioun of Thift; ſeing Gylbert Pennycuick was nocht actuallie thair him ſelff, bot the guidis and geir alledgeit ſpuilzeit and ſtollin wes tane fra his ſeruand, callit Ninian Thomſoun, as the lybill beris; quha preſentlie nather comperis be him ſelff nor his procuratour to perſew.

‘THE Juſtice thaireftir deſertit the matir.’

Murder.

Sept. 17.—JOHNNE CAMPBELL of Arkinglaſe.

Dilatit of airt and pairt of the crewall murthour and ſlauchteris of vmq^{le} Sir Johnne Campbell of Calder knycht, committit in Februar 1591; and vmq^{le} M^cinturner wechman (watchman) of the place of Taneftrie, (ſeruitour to Duncan Campbell of Inuerlewir.)

The Juſtice-depute producit ane Warrant, ſubſcryuit be his Maieſtie; quhair of the tennour followis.

REX,

JUSTICE, Juſtice Clark and 3 our deputis. It is our will, and We command 3 ow, pat ye ſit and proceid in þe criminall Lettres raſit att our inſtance and att þe inſtance of our aduocattis aganis Johnne Campbell of Arkinglas, according to þe tennour of þe Lettres raſit pairanent; kepand þir preſentis for 3 our Warrant. Subſcryuit with our hand, at Dunfermling, the xvj of September 1596.

(Sic ſubſcribitur)

JAMES R.

The Aduocat producit ane vther Warrant, direct fra his Maieſtie to him, quhair of the tennour followis.

REX,

ADUOCATTIS, or ony ane of 3 ow; It is our will, and We command 3 ow, that 3e perſew and

¹ Stockings.

² Tamine or taming, Fr. *estamine*, Lat. *stamen*; viz. socks made from prepared flax.

³ Cambrick and lawn.

⁴ Slippers, usually made of velvet.

⁵ A sort of slipper, or more probably pattens, being a sort of *clog* having wooden soles, with latches to tie; they were formerly much worn by people of all ranks in Edinburgh.

⁶ Shoes made of marekin, (Fr. *marroquin*,) or dressed goatskin. This case is quoted, chiefly on account of this enumeration of apparel.

follow furth the lettres rasit att our instance and 3ouris aganis Johnne Campbell of Arkinglas, and persew him according to pe tennour of pe lettres, as 3e will ansuer to ws vpoun 3our office; kepannd pir presentis for 3our warrand. Subscryuit with our hand, att Dunfermling, pe xvi day of September 1596.

(Sic subscribitur)

JAMES R.

The said Laird of Arkinglas takis instrumentis of his comperance, and protestit that the Laird of Arncapill his cautioner be fred; as lykwyis protestit for Alexander Bischop of Brechin, Sir James Edmestoun of Duntreith knyght, Alex^r Meinzeis of Weyme, Sir James Skrymgeour of Didvp knyght, Awla M^ccallay of Arncapill, Colene Campbell of Blairnerne and George Balfour of M^ccor-mastoune, quha become actit cautionaris and fourteis for the said Johnne Campbell of Arkinglas, vnder the pane of fourtie thowfsand pvndis, that he sould compeir before the Justice or his deputis, the thryd day of the nixt Justice-air of the Sheref dome quhair he duellis, or soner vpoun fyftene dayes wairnin, g and vndirly the law for airt and pairt, red and counfall of the slauchter and murthouris of vmq^{le} Sir Johnne Campbell of Calder knyght, and vmq^{le} M^cinturner; that thay and ewerie ane of thame sould be frie and relewit of the said cautionarie, in respect of the said Johnne Campbell of Arkinglas comperance this day, being lauchfullie summond att the instance of the Kingis aduocattis, to vnderly the law for the saidis slauchteris; and the haill parteis being dewlie and lauchfullie wairnit to haif comperit this day and place, to haif infistit in persuit of him, for the saidis slauchteris.

PERSEWAR, Mr Wm. Haint, aduocat.

PRELOQUITOUR for Arkinglas, Mr Alex. King.

The Justice continewis the mater to the morne that the King may be spokin in this mater.

(Sep. 18.)—Continued to the xxij of Sep. ‘Plegio, Domino Arncapill.’

(Sep. 23.)—The samin day, comperit Johnne Campbell of Arkinglas, and offerit him reddie to abyde the tryall of the law, for the alledgeit airt and pairt of the slauchter of vmq^{le} Sir Johnne Campbell, &c.; and protestit for releif of the Laird of M^ccawley, his cautioner.

The Justice, in respect nane of the kingis aduocattis comperit to persew him, Desertit the dyet, and ordenit the cautioner of the said Laird of Arkinglas to be relevit.

Slaughter.

Oct. 14.—JOHNNE MAISTER OF ORKNAY.

Comperit James Merfer as brother to vmq^{le} Hary Colvile Parfoun of Vrqhart, and produceit our fouerane lordis Lettres, dewlie execute and indorsat and persewing thairof, purchest be him selff, to tak fouertie of Johnne Stewart Maister of Orknay, that he sould haif comperit this day and place, in the hour of caus, and vndirly the law for the alledgeit airt and pairt of the slauchter of the

saïd vñq^{le} Hary Colvile; quhairvpoun he askit instrumentis, and protestit for releif, (that) Alexander Maister of Elphinstoun, cautioner for reporting and persewing of the saïd Lettres be relewit.

The saïd James Merfer tuik instrumentis, that the Maister of Orknay comperit nocht; & protestit for proces aganis him & his cautioneris, seing the hour is past.

Mr Thomas Nicolfoun comperit, and allegeit na proces sould be deducit aganis the Maister of Orknay and his cautioneris, seing the King and Counfall hes ordenit the mater to be continewit; and that he offerit cautione for the entrie of the saïd M^r of Orknay the morne. The saïd Mr James Mercer allegeis, that thair wes na ordinance produceit of continewatioun; and that na cautione aucht to be ressaït, in respect the partie comperit nocht nor enterit.

The quhilk day, Hary Commendatour of Sanct-Colmes-Inch and Sir George Elphinstoun of Blythfswod knyght, oft tymes callit, as cautioneris and fourteis, conjunctlie and feuerallie, for Johnne Stewart M^r of Orknay, to haif enterit and presentit him before our souerane Lordis Justice or his deputis, the saïdis day and place, in the houre of caus, to haif vnderlyne the law for the dewysing and airt and pairt of the slauchter of vñq^{le} Hary Coluile servitour to Patrick Erll of Orknay; committit be Adam Gordoune, brother to the Guidman of Auchannaquhy, and diuerse vtheris his complices, in the moneth of Junij lastbypast; lauchfull time of day biddin and nocht enterand, the saïd Johnne Master of Orknay, as saïd is, the saïdis Hary Stewart Commendatar of Sanct-Colmes-Inch and Sir George Elphinstoun, as cautioneris conjunctlie and feuerallie, wer vnlawit for his nocht entrie, in the panis contenit in the Actis of Parliament: Lyke as, the saïd Joⁿ M^r of Orknay wes adiugeit to be denunceit our souerane lordis rebell and put to the horne; and all his movabill guidis ordenit to be escheit and inbrocht to his hienes vse, as fugitiue fra the lawis of the realme, for the saïd cryme.¹

Slaughter.

Oct. 26.—SIR PATRIK BANNATYNE of Stenhouse.

James Merfer produceit our souerane lordis Lettres dewlie execute and indorsat, purchast be him as broder, with the kyn and freindis of vñq^{le} Hary Coluile Persoun of Vrquhart, aganis Sir Patrik Bannatyne of Stenhous.

Slaughter.

Oct. 26.—WILLIAM BANNATYNE of Gairsey, and James Lokie, wryter in Edinburgh.

Dilatit of airt and pairt of the slauchter of vñq^{le} Mr Hary Coluile Persoun of Vrquhart; committit in Junij lastbypast.

¹ On the margin, opposite this last entry, 'This Act, ordanit be his Maties Warrant, to be extinct and deletit.'

DITTAY against Williame Bannatyne of Gairfay and James Lokie.

FORSAMEKILL as, thay, haifing confaut ane deidlie feid, rancour and malice aganis pe said vmq^{le} Hary Coluile, consultit, deuysit and interpryfit his crewall slauchter, with Johnne Stewart, brother german to Patrik Erll of Orknay, Adame Gordoune, and diuers vtheris pair complices: Lyke as, the said Adame, accompaneit with Alex^r Dunbar of and Thomas Tweddell seruitour to pe said W^m Bannatyne of Gairfay in Orknay, and diuerse vtheris pair complices, to the nowmer of xxx personnes or pairbye, all bodin in feir of weir, in pe moneth of Junij lastbypast, schippit in ane schip of Dyfart, at Muntrois, and sailit to Orknay; quhair pe said Thomas Tweddell past aschoir, to pe said Williame Bannatynis hous of Gairfay, brocht furth of pe said hous victuallis and mwnitioune, with pe quhilk he furneist pe said schip, and pairefter sailit to getland to Burwick and past over land to Neip in Nestrig, quhair pe said vmq^{le} Hary was for pe tyme, doand pe said Patrik Erle of Orknay, his maisteris lefull effairis and buffines, traisting na ewill, harme, iniurie or persuit of ony personis, but to haif lewit vnder Godis peax and our souerane lordis; and pairvpoun, the tuelt day of Julij lastbypast, the saidis personnes maist schamefullie, crewallie and vnmercifullie slew the said vmq^{le} Hary Coluile; and thay and ilk ane of pame were airt and pairt pairof; the samin being committit of pe speciall causing, dewysing, counsaling, hyring, conduceing, command, assistance and ratehabitoune of pe saidis Williame Bannatyne and James Lokie: Lykeas, the said W^m Bannatyne of Gairfay, directit the said Thomas Tuaddell, his seruitour, to his place of Gairfay in Orknay, quha estir coming to pe said place, brocht out munitioun and victuallis to furneis him selff and remanent personnis, committeris of pe said slauchter: Committit vpoun sett purpois, provisioun, foirthocht felony, in hie and manifest contempitioune of our souerane lordis authoritie and lawis, in ewill exampill, &c.

PERSEWARIS.

James Merfer as brother, James Coluile, brother to the Laird of Cleisch, Mr Jeremie Lyndesay.

PRELOQUITOURIS for the pannell.

Mr Thomas Bellenden, The Gudeman of Lef, Mr Johnne Nicolsoune, Mr Thomas Nicolsoune.

The Pannell askis instrumentis of thair compearance, and protestit that thair cautionaris (be releuit.)

The pannell alledgis, that the Lettres of Hoirning ar ewill execute aganis W^m Bannatyne and James Lokie, and ar null in the selff; because the defenderis, long before the chairge and executionis thairof, and be the space of ane half yeir preceding the cryme committit, had thair duelling place in Edinburgh, and hes maid thair residence thair continewallie senfyne; swa that the saidis chargeis and executiounis, being maid in Orknay, and nocht cumming to thair knowledge, ar altogidder ineffectuall; as also the said denunciatioun is null, nocht only for the caus foirsaid, bot also becaus the saidis defendaris had fund caution, actit in the buikis of Adiornall, before the said pretendit denunciatioun: In respect quhair- of, thay are wranguillie denunceit for nocht finding of cautione. The persewaris alledgis, that the letters of (are) lauchfullie execute, in respect thay are execute att thair duelling hous.

THE Justice findes the Letters of Hoirning null, in respect the cautione wes fund lang befor the denunciatioun, &c.

The persewaris produceis the Depositionis of Gylbert Pacock and Williame Stewart, quhair thay deponit aganis William Bannatyne; togidder with ane

Band, subfcryuit, betuix Adam Gordoune, W^m Bannatyne and Thomas Tueddell on the ane pairt, and James Lokie on the vther.

The perfounes (on pannell) takis instrumentis, that thair is na thing produceit for verificatioun of the Dittay, except the Band produceit, alledgeit subfcryuit be the pannell, Adam Gordoun, Thomas Tueddell and the Maister of Orknay; and the alledgeit Depositionis of vmq^{le} Williame Stewart and Gylbert Pacok: And anfuerand to the pretendit Dittay, and vereficioun thair of, produceit; alledgeis, that the said Dittay is na wyis of veritie, nor 3it is the famin ony wyis verefeit be the writtis produceit; speciallie, feing the Dittay is sett down with thir circumftances, that the pannell wes airt and pairt of the said flauchter, the famin being committit of thair speciall caufing, dewyfyng, confulting, hyring, conducing, command, affiftance and ratihabitoun, and that the said Williame Bannatyne directit the said Thomas Tueddell, his feruitour, to his place of Gairfay in Orknay; quhilkis ar the substanciall pointis of the Dittay, and as thay ar sett down conjunctlie in the famin; fa all the saidis substanciall pairtis and everie ane of thame aucht to be cleirly verefeit and provin, speciallie in respect that in all actiounis criminall, *probationes debent esse luce meridiana clariores. L. ultima C. de Probationibus.* And as to the pretendit assertioun, contenit in the lybell and in the Dittay, bering that Thomas Tueddell wes feruitour to Williame Bannatyne, the contrar thair of is of veritie; ffor it is notourly knawin that he wes ane officiar of armes, haifing his awin hous, wyffe and famelie; and the Band produceit preifis manifestlie the assertioun of the said perfewar, in safar as it proportis, that the said Thomas Tuaddell wes ane speciall contraker for him selff, alyke principall with all the rest of the perfounis contenit in the Band; quhairas, gif he had bene the said Williame Bannatynes feruand, it is nocht probable that the Maister of Orknay wald haif contractit or bandit with ony of the said Williamis feruandis, the said Williame Bannatyne being bund to ferue him be the said Band; fwa that quhatfumeuir deid alledgeit to haif bene done be the said Thomas Tueddell, can nawyis tuich the said Williame, and thairfore aucht nawyis be respectit be the Inqueift: And as to the pretendit Depositionis of Williame Stewart and Gylbert Pacok, the famin makis na thing to the purpois, and can preif na thing, aganis ony of the pannell, ffor diuerse cauffis: *First*, becaus thair Confessiounis, maid extrajudicialle, merite na fayth; nather authorifit be the Justice (or) Justice-Clarkis subscriptioun, nor yit done in thair prefens: *Secundlie*, becaus thay ar extortit Confessiounis be the defunctis freindis, and maid in prefens of the Erll of Orknay, quha schew him selff partie in that cause, att quhais appetite and desyre the famin wer maid; as the Depositionis beris the famin to be maid, in his prefens: *Thrydly*, the saidis Depositionis ar maid be tua perfounes that ar gilty of the said cryme, and wes actuall committeris

of the said slauchter, quhilk can nawyis prejudge ony thryd partie; seing it is manifest, bayth of the Cannoune and Ciuile law, that *socius criminis*, and he that is giltie of the samyn cryme, can nocht be witnes aganis ony thryd persoun, and his Depositioun can nawyis be preiudiciall to him: This is expresse decydit in Cap., *Veniens*; et in Capitulo, *Personas de testibus*; et in Capitulo, *Primo de confessis*; quhair the text, and the glose, and all the Doctouris contendes, *Quod nulli de se confesso credendum est contra alios, excepto Crimine Lese maiestatis; et quod confessio confitentis de se et crimine, si non est aduersus alios, admittenda*. This samyn is decydit in L. finali, C. de *Accusationibus*, quhair the law inhibitis expresse 'all Judges, to speir ony questiounis att sic persounes as confessis the crymis thame selffis, quhilk may preiudge onye thryd persoun; and declaris all sic Depositiounis that ar maid be giltie persounis, and that hes tane the cryme vpoun thame, to be irrite and of nane avail, insafar as thay may be preiudiciall to ony thryd persoun: *Ferdlie*, becaus the saidis Depositiounis contenis na substantiall point aganis ony of the pannell; for it is newir deponit, in ony of thame, aganis ony of the pannell, that thay wer actuall doaris, consult-eris, committeris or dewyferis of the said deid; bot ar naikit assertiounis of the reherfall of vthir men, quhilk can preiff na thing in ane ciuile caus, mekill less in ane criminall; and thair is na thing contenit in any of the saidis Depositiounis quhilk preiffis that point of the Dittay, that Williame Bannatyne directit Thomas Tueddell to the doing of the turne, quhilk is the maist substantiall point of the Dittay aganis him; and that point nocht being provin, thair is na wound nor deid alledgeit committit be the said Thomas Tueddell, quhilk may infer ony preiudice to the said Williame: ffor it can nocht be verifeit, nather is itt of veritie that he wes his seruitour att the tyme lybellit, nor ane zeir of before; and gewand and nocht grantand that he had bene his seruand, yit the maister can nocht be obleift for the fact and deid of his seruand, except his causing and directioun had bene clerlie provin; for, according to the commoun rewle of the law, that ane sould nocht be pvneift for ane vthir, it is cleir and manifest, that the maister can nocht be obleift for the faultis of his seruandis, nor the father for the faultis of his sonis, bot the contrar; as is playnlie diffydit in Bartol. in L. *Ne quidem ff. de Incendio, ruina et naufragio*, and be all the Doctouris in L. *de Seruis ffugitiuis*; quhair it is expresse concludit, that the fault of the seruandis or subiectis, aucht nawyis to be hurtfull to thair maister: And as to that pairt of the Depositioun, bering, that Mr Archebald Wilkie said to ane of the deponeris, that 'Williame Bannatyne wes the wyte of all the Maister of Ork-nayis plattis laying,' the contrar thairof is of veritie, and salbe cleirly provin be the said Mr, and Depositioun, gif neid beis: In respect quhairrof, the saidis pretendit Depositioun can work na thing aganis the pannell. And as to the Band

produceit, the famin can preiff na part of the Dittay; for thair is na mentioun maid of any sic interpryis in the said Band; bot the famin is ane naikit and generall Band, of the said Williame and James seruice to the Maister of Orknay, and of his maintenance and defence; quhilk is maist lesum of the law, and contenis na kynd of probatioun nor presumptioun aganis the pannell, or ony of thame; speciallie, seing that the said Band wes maid for ane just necessar caus, viz. ffor reconfiliatioun of the deidlie feid, quhilk had continewit ane lang tyme of before, betuix the Maister of Orknay and thame; and thairvpoun, had followit grit effusioun of thair blude, as is notour to the haill toune of Edinburgh; quhair the said Maister of Orknay diuerse tymes assailzeit the said Williame Bannatyne, and wes woundit, with twa or thre of his seruandis; and the notorietie heirow is knawin to the persewar, quha wes reddie with him, att diuerse tymis, to haif resistit the Maister of Orknay and his furie: In respect quhairrof, the said Williame, being ane meane gentilman, and haifing to do with sa potent ane aduersar as the Maister of Orknay, had maist just caus to bind vp the stratest band of freindschip with the said Maister of Orknay, 3e (*yea*), and (*if*) it wer to seill it with his awin blude, for his releif; and sic ane generall Band of freindschip, can newir mak nor convict all the persounis contenit thairin, of all the deidis and malifices that sal happin to be committit be ony ane persoun contenit in the Band: And thairfoir, albeit all the rest of the persones contenit in the Band, except the pannell, had bene committeris of the deid lybellit, yit that can nawyise mak the pannell to be gilty thairrof, seing thay wer nather airt nor pairt of the famin.

The persewar, for ansuer, desyrit the Assyise to merk the Depositionis and the Band produceit; and protestit for wilfull errour, in caise thay acquit.

VERDICT. The Assyise, be pluralitie of votis, chuse Andro Rychartsoun (merchand), burges of Edinburgh, Chancillar, and thairefter reasonit vpoun the pointis of the Dittay; and being throwchlie awysit thairwith, together with the Depositionis and Band produceit, and ansueris maid thairto, &c. fand, pronunceit and declarit the saidis Williame Bannatyne and James Lokie to be Innocent, cleane and acquit of the haill crymes aboue writtin, contenit in Dittay: Quhairvpoun thay askit instrumentis.

NOTA.—James Merfer tuik vp the Depositionis and Band produceit be him.

Slaughter by Witchcraft and Sorcery.

Oct. 30.—**ALESOUNE JOLLIE**, spous to Robert Rae in Fala.

Dilatit of the alledgeit airt and pairt of the slauchter of vmq^{le} Iffobell Hepburne, spous to Johnne Edmestoun in Fala, be Wichcraft and Sorcerie; committit in the monethis of Apryle and Maij, 1596.

PERSEWAR, Mr Williame Hairt, aduocat.

PROLOQUUTOIR for the pannell, Mr Thomas Craig.

Comperit the Aduocat, and produceit Lettres of Secreit Counfall, of the dait the fyft of October instant; commanding the (Justice), Justice-clark and thair deputis, to sett ane Court to this (day), and to caus summond ane Assyse to Alesoun Jollie, for the caussis of Wichcraft contenit in the lettres; commanding also, Johnne Edmestoun and James Hepburne in Bancreif, apprehenderis and dilataris of the said Alesoun, to compeir to infist in the persuit, conforme to thair delatioune, execute be Williame Porteous messinger; commanding also the Aduocat, to infist in persuit of the said Alesoun, the said day. Be vertew quhairof, the saidis Johnne Edmestoun and James Hepburne are lauchfullie wairnit, to compeir and infist in the persuit of the said Alesoun. And siclyke, produceit vthiris Lettres, purchest at the Aduocattis instance, for chairgeing of the saidis Johnne Edmestoun and James Hepburne, to compeir and infist in persuit of the said Alesoun, and for summonding of ane Assyse, execute be the said Williame Porteous; and thairwith produceit ane Dittay.

The Justice depute produceit ane Warrant, subscryuit be the King, att Lynlythgw the xiiij of October instant, commanding him to putt the said Alesoun to the tryell of ane Assyse, for the crymes contenit in the Dittay.

The Pannell askis instrumentis of the productione of the saidis Lettres, with the executiounis thair of, and that the said Johnne Edmestoun and James Hepburne, being lauchfullie summond, oft tymes callit, lauchfull tyme of day biddin and comperit nocht, in respect thay knaw the danger of the law: And als, the said Alesoun offerit hir to the tryell of the law, but ony delay or continewatioune. —The aduocat, efter accusatioune of the said Alesoun, produceit ane Confessioun maid be vmq^{le} Jonet Stratoun, ane Wich, of the dait, att Tranent, the tent of September lastbypast; quhairby scho confest, that Alesoun Jollie had causit hir bewich the said vmq^{le} Iffobell Hepburne.

The Assyse chuse Sir James Newtoun (in Creychtoun) Chancillar of the Assyse.

DITTAY of Alesoun Jollie for Sorcery, Witchcraft, Incantation, Poisoning, &c.

ALESOUN JOLLIE, spous to Robert Rae in Fala; 3e ar indiet and accusit, ffor samekill as, 3e, haifing confaut ane deidlie haitrent, rancour and malice aganis vmq^{le} Iffobell Hepburne, spous for the tyme to Johnne Edmestoun in Fala, for the alledgeit redeming of ane aiker of land fra the said Robert Rae and 3ow, quhairin 3e wes in possessioun be the space of twa 3eiris or thairby; 3e, accompaneit with vmq^{le} Jonet Stratoun, ane notorious Wich, consultit, dewysit and interprysit, within 3our awin duelling-hous in Fala, and within the said vmq^{le} Jonettis duelling-hous in Hessildane, in Lauderdaill, the crewall and abhominabill murthour and slaughter of the said vmq^{le} Iffobell Hepburne; and that, in the monethis of August, September, October, Nouember, December, Januar, Februar and March, in the 3eir of God I^m.V^c.lxxxxv 3eiris, att the leist in ane or vthir of the saidis monethis: Lyke as, 3e hyrit, conduceit and seduceit the said vmq^{le} Jonet Stratoun, to performe the said crewall murthour

and slauchter of the said vmq^{le} Iffobell; quha, in the saidis monethis and 3eiris of God foirfaidis, att the leift in ane or vthir of the famin, of 3our airt, pairt-taking, consulting and only quarrelling, be Sorcerie, Wichcraft, Incantatioune, Poyfoning, or vther dewelisch or extraordinar meanis, laid ane heavie feiknes vpoun the said vmq^{le} Iffobell Hepburne, quhairof sche deceiffit in the moneth of Maij, the 3eir of God I^m.V^c.lxxxxv 3eiris; and swa, wes crewallie murdreift and flayne be 3ow and the said vmq^{le} Jonet Stratoun, be Wichcraft and Sorcerie, vpoun set purposis, provisioune and foirthocht felony.

Off the quhilk Dittay and crymes foirfaidis, the Justice-depute putt the said Alesoun to the tryell of ane Assyis of the persounes vnderwrittin; that is to say, James Veitch, in Dalkeyth, &c.—The said Alesoun denyit the famin.

VERDICT. The Assyse, be the mouth of the said Chancillar, ffand, pronounceit and declarit the said Alesoun to be Innocent, acquit and clangeit of the hail crymes aboue writtin: Quhairvpoun the said Alesoun askit instrumentis.

Slaughter.

Nov. 4.—JOHNNE BOYD, burges of Edinburghe.

Dilatit of the slauchter of vmq^{le} Jonet Lyell, spous to Williame Stewinfoune; committit in December last-was.

PERSEWAR, Williame Stewinfoune mariner in Leith.

PRELOQUITOURIS, in persuit, Mr Rychard Spens, Walter Henryfoune.

Comperit Williame Scharp, and desyrit to continew the mater, becaus that Williame Stewinfoune and he ar hurt; that he may haif place heireftir to persew.

DITTAY of Johnne Boyd burges of Edinburgh.

FORSAMEKILL as, he, haifing consaut ane deidlie rancour and malice aganis vmq^{le} Jonet Lyle, spous to Williame Stewinfoun mariner in Leyth; in pe moneth of December lastbypast, come to pe toun of Leyth, to pe said Jonetis duelling hous pair; and eftir he had intyfitt hir to pas furth of hir said hous and by (buy) ane half barrell of inzeounis¹ to pe said Johnne Boyd, he remanit within hir said hous, past to pe almerie,² quhair scho had certane meill;³ in pe quhilk meill, he mixt certane poyfoune, of purposis to poyfoun and destroy hir; quha the famin nycht, buik⁴ the meill in bannokis (and) eit pairof; eftir pe quhilk eitting sche tuik ane vehement vometing and laxatt, and pe famin nycht deceiffit pair-by: And swa, he maist crewallie, treffonable, vnnaturallie and barbaroullie slew and murdreift the said vmq^{le} Jonet Lyle, vpoun sett purposis, provisioun and foirthocht felony.

VERDICT. The Assyis chefis Williame Rae (elder, cuitlar in Edinburgh) chancillar; and, in ane voce, Acquittis the said Johnne Boyd of the Dittay vnder (aboue) writtin.

Slaughter by Witchcraft and Sorcery.

Nov. 27.—CRISTIAN STEWART in Nokwalter.

Dilatit of airt and pairt of the slauchter of vmq^{le} Patrik Ruthvene, be Wichcraft and Sorcerie.

¹ Onions. ² Cupboard, she having been too poor to have a 'meal-girnel.' ³ Oatmeal. ⁴ Baked.

PERSEWARIS, Alexander Ruthvene, brother to the defunct, Mr W^m Hairt, Kingis advocate.

The quhilk day, eftir accusatioun of the said Cristian Stewart in Nokwalter, be Dittay, in presens of Walter Robefoun and vtheris persounis of Affyise, of airt and pairt of the slauchter of vmq^{le} Patrik Ruthven be Witchcraft; the said Alex^r Ruthven, for verifeing of the said Dittay produceit the Depositionis of the said Cristiane, maid att the burcht of Perth, in my Lord of Gowreis ludgeing thair, the xvij of August 1596, in presens of Mr Patrik Galloway minister, Mr Williame Couper minister att Perth, Archebald Moncreif minister, Mr Alexander Lyndesay and Thomas Gaw notar: Togidder with the Depositiones of the said Cristian, maid in the said ludgeing, the xix of the said moneth of August, in presens of the said Mr Patrik Galloway, Mr Williame Couper, Mr Williame Rynd, Johnne Roife and Henry Eldar notar; all subscryuit with thair hand: Togidder with ane vther Deposition, maid in the ludgeing foirsaid, the xxj day of the said moneth of August: Togidder with ane vther Deposition, maid be the said Cristiane Stewart, maid att Edinburgh the xij of September 1596, in presens of Mr Robert Bruce minister of Godis word in Edinburgh, Clement Con ane of the bailleis thairof, Mr Gylbert Moncreif doctor of medicine, subscryuit with thair handis; testifeing hir, to haif tane ane clout fra Issobell Stewart, to bewich the said vmq^{le} Patrik: Togidder with ane Declaratioun of the dait att the day of, 1596, subscryuit be Sir George Hwme and Williame Stewart, testifeing that the said Cristian Stewart deponit in September lastbypast, in Lynlythgw, in presens of his Maiestie, that sche bewichit the said vmq^{le} Patrik.

VERDICT. The Affyis, being chosin, sworne and admittit, remowit furth of Court to the north end of the Tolbuith, quhair eftir cheching of Michael Ratt-ray in Pittindyne chancillar, reasonit vpoun the poynt of the said Dittay; and being throuchlie auisit thairwith, reenterit agane in Court, quhair thay, be the mouth of the said Chancillar, fand the said Cristiane Stewart to be Fylit, culpabill and convict of the bewiching of vmq^{le} Patrick Ruthvene, be casting of Wichcraft vpoun him with ane blak clout: And for airt and pairt of the slauchter of the said vmq^{le} Patrik; committit in Junij last: And for commoun Wichcraft.

SENTENCE. For the quhilk crime, sche wes ordenit to be tane to the Castlehill and thair to be brunt.¹

¹ On margin of the Record, 'FYLIT and BRUNT.'

Pitcairn, Robert,

Ancient criminal trials in Scotland compiled from the original records and
mss., with historical illustrations

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